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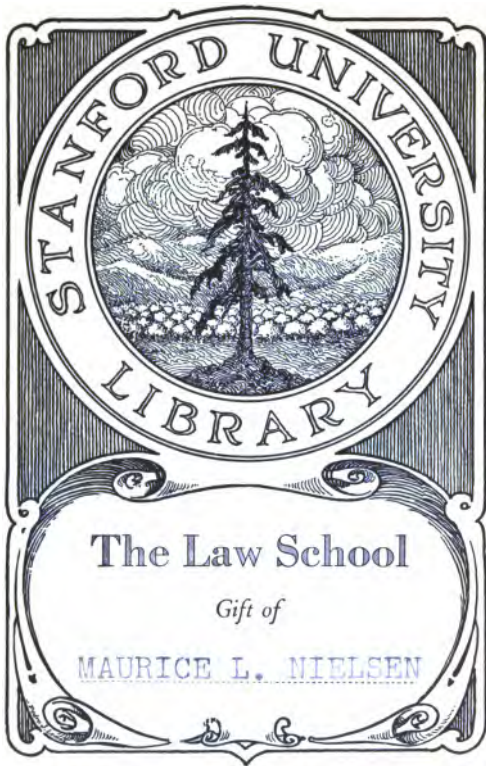
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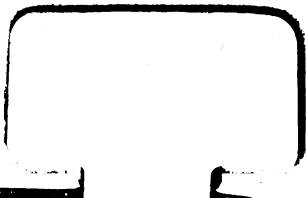
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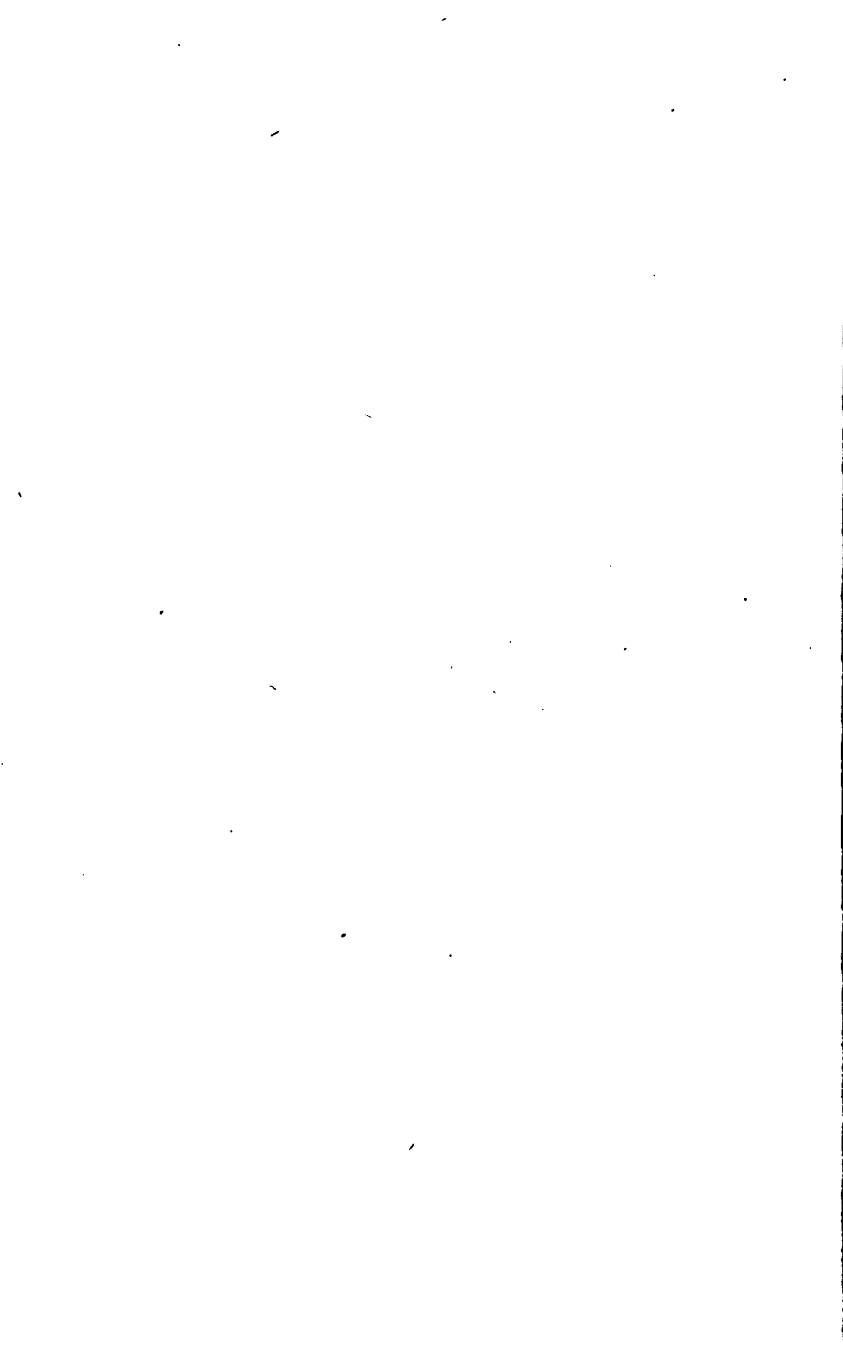
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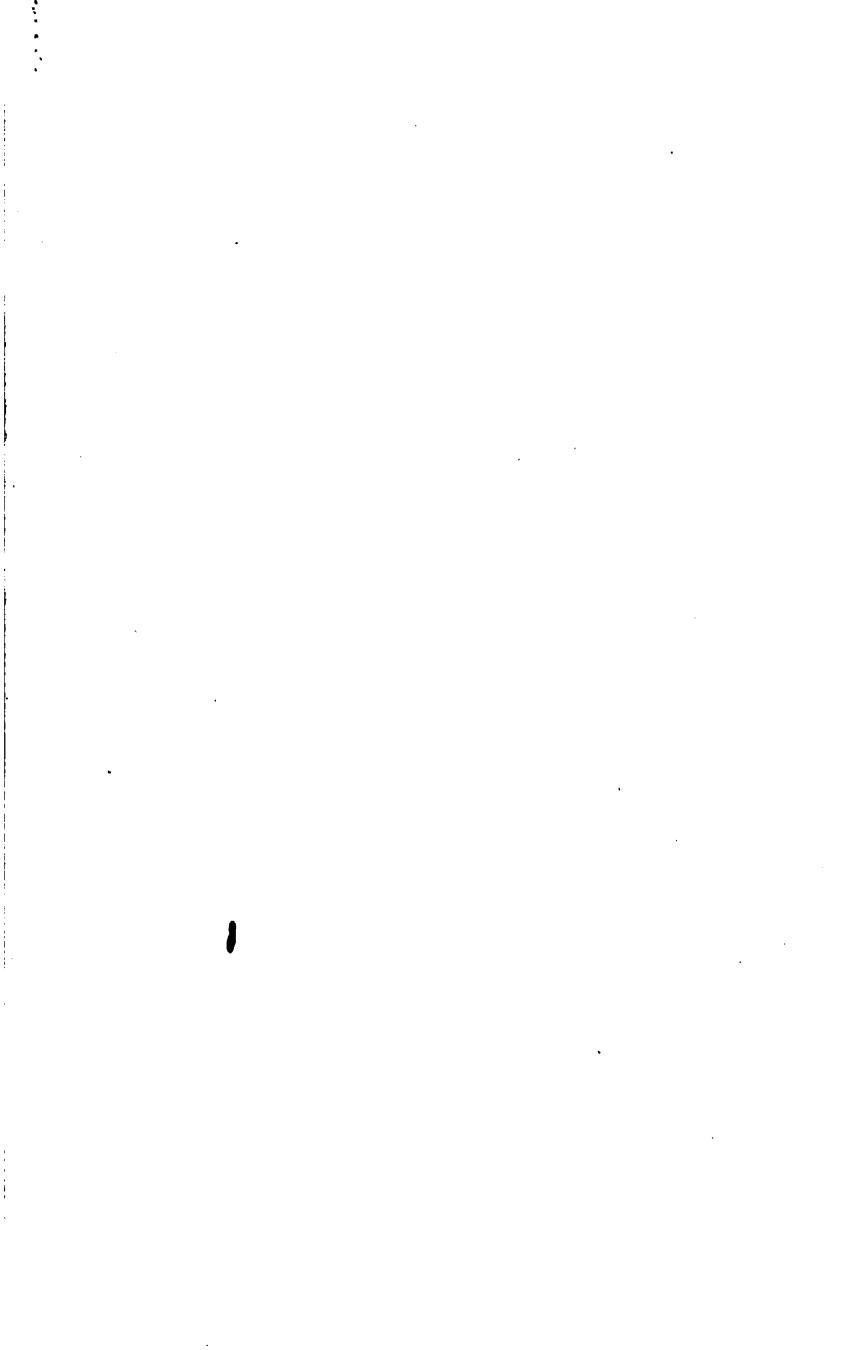


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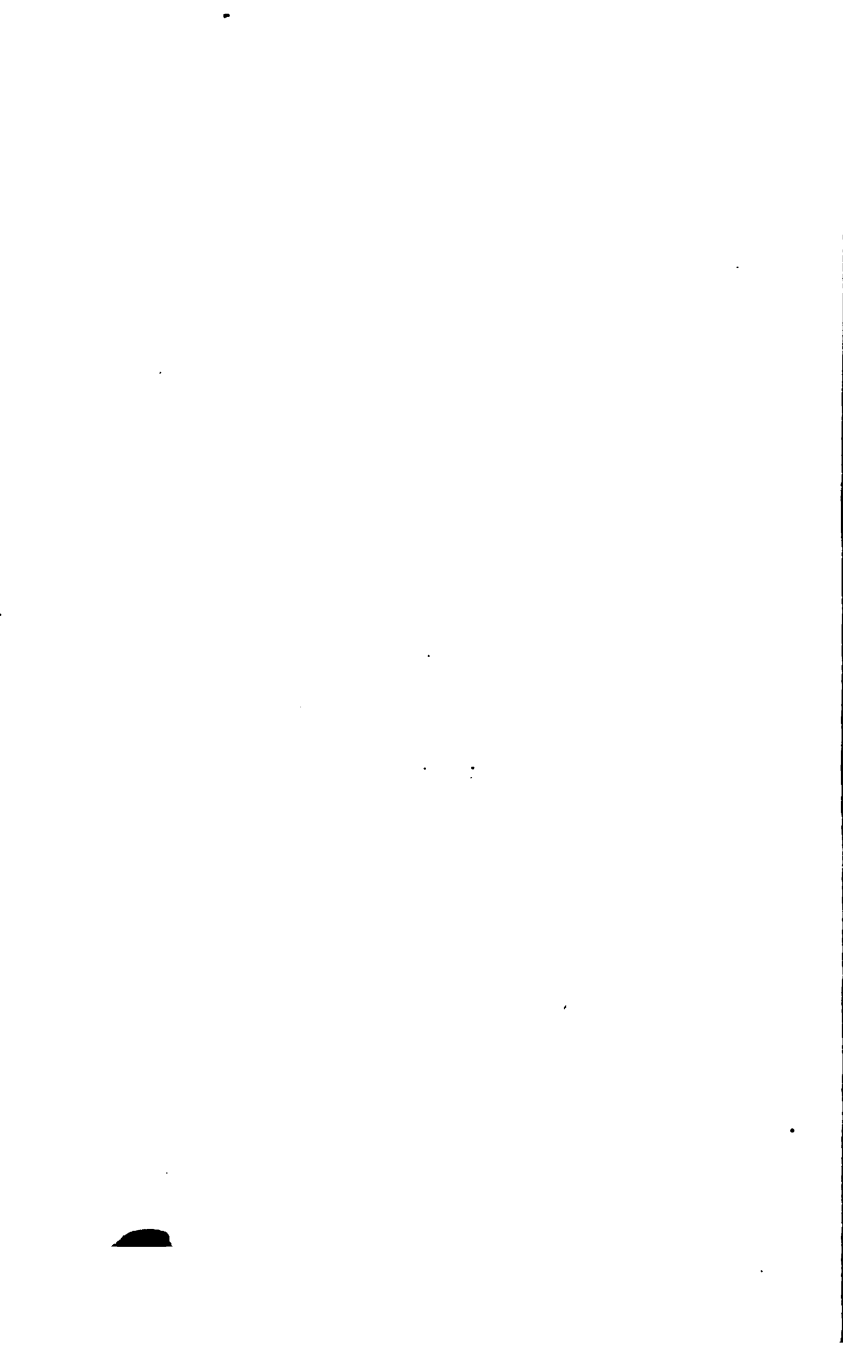




1848







W. H. K.

L A W S

OF THE

STATE OF WISCONSIN,

TOGETHER WITH THE

JOINT RESOLUTIONS AND MEMORIALS

PASSED BY THE LEGISLATURE AT THE FIRST SESSION,

Commencing on the fifth day of June, and ending on the
twenty-first day of August.

BY AUTHORITY.

MADISON, WISCONSIN.

RHENODYNE A. BIRD, State Printer.

.....
1848.

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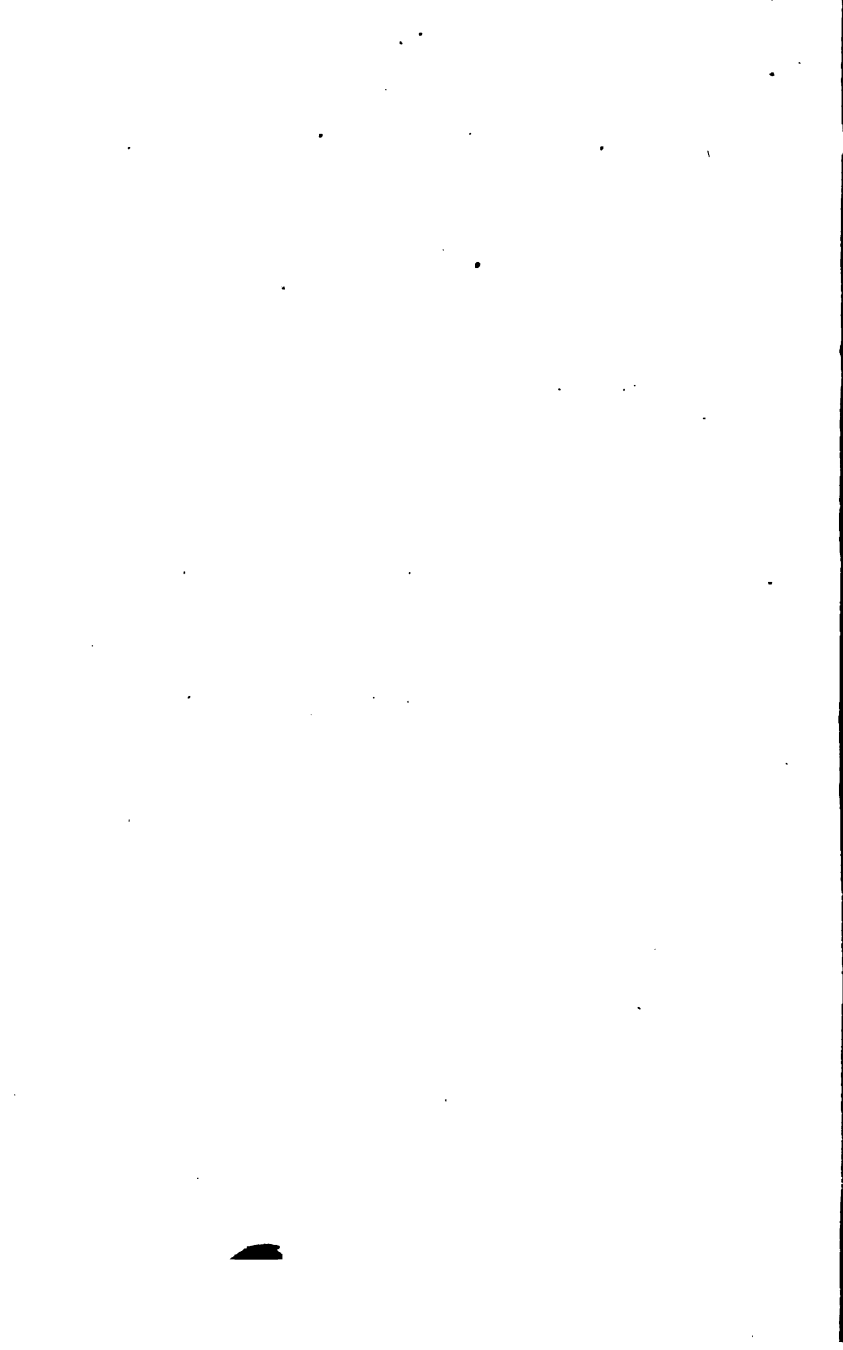
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ADVERTISEMENT.

In preparing these acts for publication, where a superfluous word has been found in the enrolled bills, it ~~has~~ been printed in the text, and enclosed in brackets, [thus]. Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in parenthesis, (thus.)



LAWS.

AN ACT to appropriate to William R. Marshall a sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. That there be and is hereby appropriated to William R. Marshall to be paid out of the state treasury the sum of one hundred and ten dollars and fifty cents for his mileage and per diem in contesting the right of Joseph Bowron to a seat in the assembly.

N. E. WHITESIDE,
Speaker of the Assembly.
J. E. HOLMES,
President of the Senate.

Approved, June 14, 1848.
NELSON DEWEY.

AN ACT relating to the printing of the present session of the Legislature.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. Immediately after the passage of this act the Secretary of State shall advertise by posting up printed notices in the village of Madison for sealed proposals for doing the printing of the two houses of the legislature for its present session: said advertisement shall divide and classify the printing of the two houses as follows: First, The incidental printing comprising all printing incident to the business of the two houses, and Second, The printing in pamphlet form of the journals of both houses, and the laws: each class to be a separate job, and provided for by separate contract: said advertisement shall require specifications in the bids as follows: price of composition per thousand ~~em~~—price of paper—cost of press-work, and in work where it may be necessary, the cost of binding including the folding and stitching. Such sealed proposals shall be addressed to the secretary of state, and shall be endorsed on the outside "proposals for incidental printing" or "proposals for the journals and laws" as the case may be, and the place of receiving them shall be at the secretary's office at the seat of government, and the time at which such bids, shall cease to be received shall for the incidental printing be within four days from the time of issuing such advertisement, and for the printing of the journals and laws within three weeks, but the day and the time of day shall be specified in the advertisement a specimen of the quality of paper required in the work, and of the style of the work generally shall be kept in the Secretary's office subject to inspection.

SEC. 2. Immediately after and not until the expiration of the time for receiving such proposals they shall be opened by the secretary of state aforesaid in the presence of the treasurer of the state, and such of the bidders as may choose to be present, and after examination the said secretary shall proceed to let each class of printing to the lowest bidder: provided such bid does not exceed the price now paid for such printing and after such letting he shall immediately notify the successful bidder, that he has been chosen to do the work, and he shall also transmit immediately to each house an abstract of the bids received, with the name or names of the successful bidder or bidders for such action as the legislature may

deem necessary: and it shall be the duty of the person or persons to whom the printing has been awarded to execute to said secretary a good and sufficient bond or bonds of security to be approved by the governor for the faithful performance of the work, said bond for incidental printing to be executed within two days from the notification of the award: and in the case of the laws and journals within three weeks from such notification which bond or bonds shall be filed in the said secretary's office subject to acceptance or rejection by the legislature; and it shall be the duty of the secretary of state to report a copy of said bond or bonds to each house

SEC. 3. After the execution, approval and acceptance of the bond of security, the person or persons to whom the incidental and other printing has been awarded shall be the printer to do said work for the two houses, during the term for which he or they were chosen, and no account from any other person or persons shall be considered or allowed for any such printing.

SEC. 4. It shall be the duty of the secretary of state within one week from the passage of any law or joint resolution to furnish to the person or persons appointed to print the laws a correct copy of the same, and it shall be the duty of the person or persons so appointed to furnish within three weeks of the close of this session of the legislature to the secretary of state at his office, the prescribed number of copies of laws completed according to contract. It shall be the duty of the chief clerk of each house or such other officer as the legislature may direct to furnish to the printer or printers aforesaid within ten days of the close of this session a correct copy of the journals of the respective houses, and the printer or printers aforesaid shall furnish at the office of the secretary aforesaid before the commencement of the next session of the legislature the prescribed number of journals completed according to contract.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

President of the Senate.

Approved, June 17th, 1848.

NELSON DEWEY.

AN ACT to authorize the county of Milwaukee to hold a special election for Judge of Probate.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The qualified electors of the county of Milwaukee are hereby authorized on the tenth day of July next to assemble in their respective districts at the places designated for holding elections for members of the legislature and proceed to elect a judge of probate.

Sec. 2. The polls shall be opened in said districts at nine o'clock A. M. and close at four o'clock P. M. and the votes for said judge of probate shall be canvassed and returns thereof be made within five days from the time of such election to the clerk of the board of supervisors of the said county in the same manner as is now provided by law for making returns of votes given for county officers.

Sec. 3. The term of office of the judge of probate elected at said special election shall expire at the same time the late incumbent's term of office would have expired had no vacancy of the same occurred.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved, June 19, 1949.
NELSON DEWEY.

AN ACT to authorize the town of Belgium to hold a special election for town officers.

The people of the State of Wisconsin, represented in Senate and assembly, do enact as follows:

SECTION 1. The town of Belgium in the county of Washington is hereby authorized to hold a special election for town officers on Tuesday the eleventh day of July next at the house of John Weyker.

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Sec. 2. The term of office of the respective officers elected at said special election shall expire at the same time as if said election had been holden at the last regular time for holding town elections.

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate, pro tem.

Approved, June 20, 1848.

NELSON DEWEY.

AN ACT for the payment of the mileage of the members of the Legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much money as is necessary to pay the mileage of the Lieutenant Governor and members of the senate and assembly is hereby appropriated out of the state treasury to the purpose aforesaid: to be paid by the state treasurer upon the certificates to its members of the presiding officer and chief clerk of each branch of the legislature respectively certifying the number of miles for which each member is entitled to draw traveling fees.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

President of the Senate.

Approved, June 21, 1848.

NELSON DEWEY.

AN ACT concerning the Attorney General.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The attorney general shall appear for the state in the supreme court in all prosecutions for crime, and also in the trial and argument in said court of all causes criminal or civil in which the state may be a party or interested

SEC. 2. The attorney general shall also when required by the governor or either branch of the legislature, appear for the state in any court or tribunal in any other causes criminal or civil in which the state may be a party or be interested.

SEC. 3. The attorney General shall consult with and advise the district attorneys of the several counties of the state whenever requested by them or any or either of them in all matters appertaining to the duties of their offices, and shall make and submit to the legislature at the commencement of the annual session thereof a report of all the official business done by him during the preceding year: specifying the suits and prosecutions to which he may have so attended: the number of persons prosecuted: the crime for which, and the counties where such prosecutions were had: the result thereof: and the punishment awarded therefor.

SEC. 4. The attorney general shall when required attend the legislature during their session: and shall give his opinion upon all questions of law submitted to him by either branch of the legislature; or by the governor; and shall give his aid and advice in the arrangement and preparation of legislative documents and business when required by either branch of the legislature.

SEC. 5. Whenever any demand shall be made of the executive of this state conformably to law for the delivery over of any person charged with any crime committed in any other state or territory, it shall be the duty of the attorney general upon request of the governor, to give his opinion in writing upon all matters appertaining to such demand; and upon an arrest of such person so charged, shall when required appear in any court of this state to sustain the executive authority in ordering such arrest.

SEC. 6. The attorney general, before he enters upon the duties of his office shall execute unto the state of Wisconsin, a bond in duplicate, in the penal sum of ten thousand dollars, with not less than three sureties to be

approved by the governor conditioned faithfully to perform and discharge the duties of attorney general for the state of Wisconsin, and to discharge the duties of one of the board of commissioners for the sale of the school and university lands and for the investment of the funds arising therefrom conformably to law, one of which bonds so executed in duplicate shall be filed in the office of the secretary of state, and the other in the office of the clerk of the supreme court.

SEC. 7. The legislature may from time to time require the attorney general to give additional security whenever it may be deemed expedient or necessary.

SEC. 8. The attorney general shall receive a salary of eight hundred dollars per annum to be paid to him out of the treasury of the state in equal quarterly payments which shall be in full for all services by him rendered both as attorney general, and as one of the board of commissioners for the sale of the school and university lands.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved, June 21, 1848.
NELSON DEWEY.

AN ACT to provide for holding a special election in the county of St. Croix.

The people of the State of Wisconsin; represented in Senate and Assembly, do enact as follows:

SECTION 1. A special election shall be holden in the several precincts now established in the county of St. Croix, on the second Monday of August next, for such county officers as the said county by virtue of its or-

ganization is entitled to, who shall severally hold their offices until the next general election, and their successors are duly elected and qualified.

Sec. 2. Said election shall be conducted in all respects in the manner now provided for holding the same under the laws regulating general elections and the returns thereof shall be made to the clerk of the board of county commissioners of Crawford county within ten days of the time of holding such election, who is hereby authorized to canvass the same and issue certificates of election.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved June 28, 1848.
NELSON DEWEY.

AN ACT to prevent the levying of certain taxes.
The people of the State of Wisconsin, represented in Senate and
Assembly, do enact as follows:

SECTION 1. So much of any law now in force in this state as requires the county commissioners in those counties under the county system of government to levy taxes in their respective counties on the first Monday of July in each year be and the same hereby is repealed.

N. E. WHITESIDE;
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved June 23, 1848.
NELSON DEWEY.

AN ACT to establish the seat of justice of the county of St. Croix.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The seat of Justice of the county of St. Croix shall be established near the mouth of Willow River on the east side of Lake St. Croix on sections four and five and all courts to be held in and for said county shall be held at some convenient house on said sections until some other and more suitable place shall be provided for that purpose.

SEC. 2. The several county offices required by law to be kept at the county seat shall be removed to and kept at the said county seat as soon as suitable rooms or buildings shall be provided therefor.

SEC. 3. All acts and parts of acts heretofore passed and contravening, this act are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved June 28, 1848.
NELSON DEWEY.

AN ACT to prescribe the duties of the State Treasurer.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. The state treasurer shall keep his office at the seat of government: shall have charge of all monies which shall be paid into the state treasury, and shall pay out the same as directed by law.

SEC. 2. The treasurer shall within twenty days after he receives no-

tice of his election and before entering upon the duties of the office take and subscribe the oath required in the constitution, and give a bond to the state of Wisconsin in the sum of one hundred thousand dollars with not less than six sureties; who shall be resident freeholders of the state; conditioned that he will faithfully discharge the duties of said office according to law: which bond shall be approved by the governor, and together with the oath of office to be deposited with the secretary of state: such bond shall be deemed to extend to the faithful execution of the duties of the office during the term for which he was elected, and until his successor shall be elected and qualified.

SEC. 3. It shall be the duty of the treasurer to keep fair and full accounts together with a cash book in which shall be entered, a detailed account of all monies by him received and disbursed, a transcript of which shall at the end of each week be deposited with the secretary of state: to pay no monies out of the treasury except on warrants drawn by the secretary of state, issued in pursuance of some law hereafter passed by the legislature of this state: to pay all such warrants out of any funds in the treasury not otherwise appropriated or set apart for any specific use; and to pay the same in the order in which they are presented; giving a preference to no person: to give receipts for all monies paid to him: which before their delivery shall [shall] be taken to the secretary of state, who shall countersign the same, and enter them in his books to the credit of the county officer or person making such payment, and charge the treasurer with the same: no receipt unless it is so countersigned shall be evidence of the payment of any money into the treasury of this state: to keep his books and accounts open for inspection during the business hours of the office: to deliver over to his successor all money furniture books and papers belonging to and preserved in his office: to report to the governor quarter yearly or oftener if required, the total amount of funds of every nature and kind in the treasury: to report to the legislature at the commencement of each annual session, his accounts of receipts and disbursements: and the precise state of the Treasury together with such information and recommendations of a fiscal character as he shall think useful and proper; and generally to discharge all the duties that may from time to time be prescribed by law.

SEC. 4. Whenever the funds in the treasury shall exceed three-fourths the amount of the bond; or whenever the governor shall deem the securi-

ty insufficient by reason of the insolvency death or removal from the state, of any of the sureties, or from any other cause, it shall be his duty to require the treasurer to give an additional bond, in such time, such reasonable amount and with such security as he shall direct and approve.

SEC. 5. Whenever the office of treasurer shall become vacant, or whenever the treasurer shall fail to give security as herein provided, it shall be the duty of the governor to appoint some suitable person to fill such vacancy, who shall qualify according to the provisions of this act.

SEC. 6. The treasurer elect shall give the required security within twenty days from the passage of this act.

SEC. 7. The treasurer shall receive for his services in four equal quarterly payments the sum of eight hundred dollars per annum in full compensation for all services rendered by him as required by virtue of his said office.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved June 29, 1848.

NELSON DEWEY.

AN ACT to divide the State of Wisconsin into Congressional Districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That this state be and hereby is divided into three congressional districts, each of which shall be entitled to elect one representative to the congress of the United States.

SEC. 2. The counties of Milwaukee, Waukesha, Walworth and Ra-

shall constitute the first congressional district, and shall elect one representative.

SEC. 3. The counties of Rock, Green, La Fayette, Grant, Dane, Iowa, Sauk, Richland, Crawford, Adams, Portage, Chippewa, La Pointe and St. Croix shall constitute the second congressional district, and shall elect one representative.

SEC. 4. The counties of Washington, Sheboygan, Manitowoc, Brown, Winnebago, Calumet, Fond du Lac, Marquette, Dodge, Jefferson and Columbia, shall constitute the third congressional district, and shall elect one representative.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved June 29, 1848.
NELSON DEWEY.

AN ACT accepting the grant of land made by Congress to aid in the improvement of the Fox and Wisconsin rivers. The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assent of the state of Wisconsin is hereby given to the act of congress entitled "An act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers and to connect the same by a canal in the territory of Wisconsin" Approved August 8th, 1846.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
President of the Senate.

Approved June 29, 1848.
NELSON DEWEY.

AN ACT declaring in what cases certain offices shall be deemed vacant and the manner of filling such vacancies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1 All state, district, county and town offices established under the constitution and laws of this state shall be deemed vacant in the following cases to wit: First, whenever there shall be a tie in the votes cast for any such officers at any general or special election, or, second, in case of the death or resignation of any such officer or where no such officer has been elected, or elected shall not qualify according to law; third, whenever any such officer shall remove from the town, county or district in which he was elected or for which he was appointed.

SEC. 2. Whenever a vacancy shall occur in the senate or assembly the officer required to make election returns in the district where such vacancy may occur shall immediately give notice thereof to the governor of this state.

SEC. 3. On receiving such notice of a vacancy in the assembly the governor shall issue a writ of election directed to the sheriff of the county in which such vacancy exists requiring him to give twenty days notice of a special election to fill such vacancy by causing notice of the time and place or places for holding said election to be published in a newspaper if there be one printed in the county and by posting up three written or printed notices thereof in each town or precinct in the district where such vacancy exists.

SEC. 4. Whenever a vacancy shall occur in the senate the governor shall issue a writ of election directed to the sheriff of that county required by law to make the election returns for the district in which such vacancy exists requiring him to give thirty days notice in each county in said district of a special election to fill said vacancy which notice shall be given by publishing the same in some newspaper in each of the counties in said district where such paper may be printed and in such counties where no newspaper is printed such notice shall be given by posting in conspicuous places three printed or written notices thereof in each assembly district in said county.

SEC. 5. Whenever any vacancy shall occur in any county or town of-

vice in this state such vacancy shall be filled in the manner prescribed by law for filling such vacancies.

SEC. 6. The elections authorized by this act shall be conducted and the returns thereof made and certificates given in the manner provided by law.

SEC. 7. All officers elected under this act shall hold their respective offices for the unexpired term for which their predecessors were or should have been elected.

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate, pro tem.

Approved June 20, 1848.

NELSON DEWEY.

AN ACT making appropriations to pay to the members and officers of the present session of the Legislature the sums therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there shall be paid out of the state treasury to each member of the senate and assembly the sum of forty dollars to apply on the per diem of said members during the present session of the legislature.

SEC. 2. That there shall be paid out of the state treasury to H. G. Abbey chief clerk of the senate the sum of two hundred dollars in part pay for the per diem of said Abbey and his assistants during the present session.

SEC. 3. That there shall be paid out of the state treasury to D. N. Johnson chief clerk of the assembly the sum of two hundred dollars in part

pay for the per diem of said Johnson and his assistants during the present session.

SEC. 4. That there shall be paid to Lyman H. Seaver sergeant-at-arms of the senate the sum of fifty dollars in part payment for per diem pay of himself and messenger at this session: and also to John Malanphy sergeant-at-arms of the assembly the sum of one hundred dollars, in part pay for the per diem pay of himself and doorkeeper and messenger at the present session.

SEC. 5. The treasurer shall pay the above sums upon the warrants of the secretary of state who is hereby authorized to issue the same.

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate, pro tem.

Approved June 29, 1848.

NELSON DEWEY.

AN ACT to provide for the election of Judges and for the classification and organization of the Judiciary of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An election for Judges of the circuit courts of this state, shall be held in each of the judicial circuits on the first Monday of August in the year one thousand eight hundred and forty-eight: The election shall be conducted and votes canvassed in the same manner as at general elections for state and county officers: The inspectors or Judges of said election shall make returns to the clerk of the board of supervisors or county commissioners of their respective counties immediately after the same are

canvassed and the clerks of the boards of supervisors or county commissioners shall file the same in their office, and forthwith transmit a certified copy thereof to the governor of the state.

Sec. 2. On the fourth Monday in August or as soon as the returns from all the counties of any circuit are received by the governor, he together with the secretary of state and treasurer shall proceed to canvass the same: the person having the highest number of votes cast in each circuit shall be the judge of such circuit; and the governor shall transmit to the person so elected a certificate of his election, under the seal of the state: and in case there should be a tie, or a vacancy from any other cause in one or more of the circuits, the governor shall forthwith proclaim the fact and immediately order a new election to be held in the circuit or circuits where such tie or vacancy has happened.

Sec. 3. The judges elect shall before entering upon the duties of their office, each take and subscribe the following oath or affirmation "I _____ do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States and of the state of Wisconsin, that I will administer justice without respect to persons, and will faithfully and impartially discharge the duties of the office of judge of the supreme and circuit courts of the state of Wisconsin according to the best of my ability," which said oath shall be duly certified by the officer administering the same; and by said judge filed in the office of the secretary of state: said judges shall severally enter upon the duties of their office, as soon as elected and qualified.

Sec. 4. The Judges of the circuit court elected at the first election thereof shall be classified by lot to be publicly drawn by the secretary of state; and in his absence by any person appointed by the governor in the presence of the governor, treasurer, attorney general and the said judges or a majority of them at the office of the secretary of state immediately after the completion of the canvass of the votes given at the first election of such judges: The classes shall be numbered one, two, three, four and five; according to the time of service of each: the class having the shortest time to serve being number one; and the judge whose lot shall fall in class number one shall hold his office for two years, and until his successor shall be chosen and qualified: the judge whose lot shall fall in class numbered two shall hold his office for three years, and until his successor shall be chosen and qualified: the judge whose lot shall fall in class numbered three shall hold his office for four years, and until his successor shall be chosen and

qualified: the judge whose lot shall fall in class numbered four shall hold his office for five years, and until his successor shall be chosen and qualified: and the judge whose lot shall fall in class numbered five shall hold his office for six years, and until his successor shall be chosen and qualified: and the said judges shall then and there ballot for one of their number to be chief justice, and the person having a majority of all the ballots cast shall be the chief justice: and a certificate of said drawing classification and balloting shall be signed by the governor and secretary of state; and filed and recorded in the office of the secretary of state.

Sec. 5. The circuit courts shall have and exercise all the powers which have been heretofore exercised by the district courts of the territory of Wisconsin: they shall have original jurisdiction of all cases both in law and equity, and a supervisory jurisdiction over all inferior courts and jurisdictions: they may prescribe all such rules of practice and other rules to regulate their proceedings and to facilitate the administration of justice as they may deem necessary not inconsistent with the laws of this state: such rules shall be prescribed by the supreme court and shall be uniform in the several circuits.

Sec. 6. The judges of the circuit courts shall be conservators of the peace throughout the state and shall have the same powers to preserve the peace as have heretofore been conferred upon the judges of the district courts of the territory of Wisconsin.

Sec. 7. All writs issuing from the circuit courts shall be in the name of the state of Wisconsin: shall bear date the day they are issued, and shall be tested in the name of the judge of the circuit in which they are issued, and shall be returnable on the first day of the term next succeeding the date of their issue unless otherwise directed by the judge or by rule of court and be signed by the clerk and sealed with the seal of the court and shall run to the proper officer of the county in which it is issued, but alias writs after service upon one defendant may be issued to co-defendants, and be directed to any county in the state.

Sec. 8. Until seals for the circuit and supreme courts are provided, the seals of the supreme and district courts of the territory of Wisconsin shall be used and the affixing such seals shall be deemed a sufficient sealing of all writs and process, record exemplifications or attestation of said courts which by law are required to be authenticated by the seal of the court.

Sec. 9. The circuit court shall have power to issue writs of injunc-

tion, mandamus, certiorari, quo warranto; and all other writs process powers and commissions according to the common usage of courts of record of common law and equity jurisdiction, necessary to the full and complete jurisdiction of the parties and the causes; and to the full and complete administration of justice and to the carrying into effect of their judgments orders and decrees.

SEC. 10. All laws regulating the practice or proceedings or prescribing the powers and duties of the supreme and district courts of the territory of Wisconsin, or the judges thereof, in force on the thirteenth day of March A. D. 1848 not repugnant to the constitution of the state of Wisconsin, shall continue in force and apply to the supreme and circuit courts of this state until altered or repealed by the legislature; and all the rules of practice of said supreme and district courts of the territory of Wisconsin, shall continue valid and operative as far as the same may be applicable, until altered or amended by the supreme and circuit courts of this state respectively.

SEC. 11. In case the judge of the circuit court shall be interested in any cause or causes pending in said court or shall have acted as attorney solicitor or counsel for either of the parties thereto, the said judge shall not have power to hear and determine such cause or causes except by consent in writing of the parties thereto; and upon motion the said judge shall order a change of venue to an adjoining district and the judge of said district shall hear and determine said cause or causes.

SEC. 12. Any circuit judge may hold court in any circuit other than that for which he was elected in case of the absence sickness or other disability of any one of the judges to hold the regular term or terms of court.

SEC. 13. All process or commissions heretofore issued in the name of the territory of Wisconsin or in the name of the United States by virtue of any law of the territory of Wisconsin or under the authority of the same; and all judgments decrees and orders heretofore made by any court judge or justice of the peace acting or by virtue of any law of the territory or of the United States shall have the same force and effect as if the territorial government had not been terminated: and all writs heretofore issued and made returnable at the terms of the district courts of the territory shall be deemed and considered as returnable at the terms fixed by this legislature and until the election and qualification of the judges writs may be issued and tested in the name of the state of Wisconsin.

SEC. 14. In all cases where persons who were masters in chancery at the time of the adoption of the constitution have sold real estate by virtue of an order or decree of a court of chancery for that purpose since the adoption of the constitution or the admission of this state into the Union; the sales shall be and are hereby declared to be as valid as if said constitution had not been adopted or state admitted and the sheriff of the proper county is hereby authorized and empowered to make and execute deeds to the purchasers; the same as the master might have done.

SEC. 15. In all cases where masters in chancery in pursuance of any decree or order of a court of chancery for that purpose made, have advertised real estate for sale and the sale not yet made it shall be lawful for the sheriff of the proper county to proceed upon the said advertisement and make such sale; and in all other cases where a decree in chancery authorizing a sale has been obtained it shall be lawful for the sheriff of the proper county to proceed and advertise and sell in the same manner as the master in chancery might have done, and proceed therein the same as the said master could have done if his said office had not been abolished.

SEC. 16. The first term of the supreme court shall be held at the capitol in Madison on the second Monday in January next, and thereafter on the second Monday in January in each year.

SEC. 17. On each suit in the circuit court there shall be levied a tax of one dollar, which shall be paid to the clerk at the time of the commencement thereof, which tax so levied shall be paid into the treasury of the state and form a separate fund to be applied to the payment of the salary of judges; said sum of one dollar shall be taxed in the bill of costs and recovered as other costs of suit.

SEC. 18. The judge of probate in each organized county or, the person who may hereafter have probate jurisdiction shall act as a court commissioner, and shall have power to administer oaths, take the acknowledgment of deeds, allow writs of attachment and certiorari, and in the absence of the judge from the county, writs of injunction, except upon causes where judgments have been obtained; and habeas corpus in bailable actions: he may determine upon the amount and sufficiency of bail: he may take all such testimony or depositions of witnesses to be used in cases in law and in equity as may be provided for by law or by rule or order of the court: he may state accounts between parties in cases referred to him by order of court and tax costs.

SEC. 19 The said judges shall each receive the sum of one thousand five dollars per annum payable quarterly.

N. E. WHITESIDE,
Speaker of the Assembly.

HENRY M. BILLINGS,
President of the Senate pro tem.

Approved, June 29, 1848.

NELSON DEWEY.

AN ACT to provide for revising the statute laws of this state. The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. At such time and place and in such manner as shall be agreed upon by joint resolution of the senate and assembly, there shall be three commissioners chosen whose duty it shall be and they are hereby authorized to collate and revise all such public acts of the legislature of this state which shall be in force at the close of the present session as are general and permanent in their nature : and in the performance of such duty, they shall carefully collect and reduce into one act, the different acts and parts of acts which from similarity of subject ought in their judgment to be so arranged and consolidated: distributing the same under such titles, divisions, and sections as they shall think proper, and omitting all such acts and parts of acts before passed as shall have been repealed or have expired by their own limitation or be repugnant to the present constitution of this state; and in every other respect they shall complete the said revision in such a manner as to them shall seem most useful and proper to render the said acts more plain and easy to be understood; and they shall lay before the legislature the acts so revised and arranged by them at the next session to be re-enacted if the legislature shall so determine.

SEC. 2. When the said acts shall be so presented to the legislature for re-enactment the said commissioners sha'll also suggest to the legislature, such contradictions omissions or imperfections as may appear in the acts so revised and the mode in which the same may be reconciled supplied or amended, and may also designate such acts or parts of acts, if any, as in their judgment ought to be repealed with their reasons for advising such repeal: and may also recommend the passage of such new acts or parts of acts as in their judgment may appear necessary.

SEC. 3. After the laws so revised as aforesaid shall have been submitted and approved of by the legislature, the said commissioners shall under the direction of such legislature prepare the same for the press, and shall also prepare for publication with the said laws, the constitution of the United States of America and the constitution of this state: and that the said commissioners shall make an index of the matters contained in the said work.

SEC. 4. The commissioners shall be entitled to three dollars per day for each day while engaged in said work, as may be certified to by said commissioners.

SEC. 5. In case the commissioners herein provided for or either of them sha'll refuse to act in the premises, or shall die resign or remove from the state before the completion of the duties assigned to them, it shall be the duty of the person administering the government of this state to appoint others or another in their or his stead who shall have the like powers as aforesaid, and be entitled to a compensation which shall be proportionably equal to that which is allowed by this act to the persons before named.

SEC. 6. The commissioners in the execution of their duties shall have free access to any public records papers or books of this state, and be permitted to examine the same without fee or reward; the commissioners sha'll meet on the fourth Monday of July next (inst) at the capitol in the village of Madison and enter upon the duties of their office, and may adjourn from time to time as they may think proper.

SEC. 7. The commissioners may employ a clerk at an expense of not exceeding two dollars per day to be allowed to such clerk on the certificate of said commissioners; and shall be furnished by the superintendent of public property with all needful stationery lights and fuel while in the discharge of their duties collectively as such board of revisors.

SEC. 8. The powers and duties of said commissioners shall expire when the revised laws as aforesaid shall be published.

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate pro tem.

Approved, July 13, 1848.

NELSON DEWEY.

AN ACT to Incorporate the Village of Port Washington.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that district of country included in fractional section number twenty-eight in township number eleven, north of range number twenty-two east of the first principal meridian in the county of Washington, shall be hereafter known and distinguished by the name of the village of Port Washington, and the inhabitants residing or who may hereafter reside within said limits are hereby constituted a body corporate, by the name of "The President and Trustees of the Village of Port Washington" and by that name they and their successors forever hereafter shall and may have perpetual succession and shall be persons in law capable of suing and being sued pleading and being impleaded answering and being answered defending and being defended in all courts and places and in all suits whatsoever.

SEC. 2. It shall be lawful for the inhabitants of said village qualified to vote at any general election to meet at the school house in said village on the fourth Tuesday of July instant at two o'clock P. M. and choose viva voce two judges of election and one clerk who together shall form the election board and elect by ballot a president (who shall be ex officio a trustee) four trustees, three assessors a clerk and a treasurer.

SEC. 3. On the third Tuesday of April in each year thereafter there shall be an annual election of the officers of said village above specified, and the trustees shall give at least one weeks notice of the time and place of holding the same, and they or any two of them shall preside at such election.

SEC. 4. No person shall be eligible to any of said offices unless he shall be a voter in said village.

SEC. 5. At all elections held under this act, the polls shall be opened at two o'clock P. M. and continue open until four o'clock P. M. and as much longer as the presiding board shall think necessary for the convenience of voters: a plurality of votes shall in all cases decide the election.

SEC. 6. All of said officers shall hold their offices until the third Tuesday of April next after their election, and until others are elected and qualified in their stead.

SEC. 7. Vacancies in the office of President, or of any trustee or trustees shall be filled at a special election to be called by the clerk by giving at least ten days notice thereof, and vacancies in all other offices by appointment by the trustees.

SEC. 8. Every officer elected under this act before he enters upon the duties of his office shall take and subscribe an oath faithfully to discharge the duties of his office and to support the constitution of the United States, and the constitution and laws of this state, and file the same with the clerk of said village.

SEC. 9. Before entering upon the duties of his office the treasurer shall give bonds to the president and trustees, in such sum, with such conditions, and with such sureties as said trustees shall direct.

SEC. 10. It shall be the duty of the president when present to preside at all meetings of the trustees, at which meetings he shall have the right to vote—to see that all by-laws and ordinances are duly observed; and to prosecute all suits which may be necessary in the name of the corporation.

SEC. 11. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws ordinances and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings and to keep on file all papers which may be ordered by the trustees: The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of proceedings of the board of trustees certified by him under the corporate seal shall be evidence in all courts of the contents of the same.

tion of such by law ordinance or regulation then the same shall not be in force, but if a majority do so decide then the same shall be in force: Twelfth, To repeal or amend any by-law ordinance or regulation subject the same to restrictions or limitations as contained in the eleventh clause of this section: Thirteenth, To impose a general poll tax upon every male resident of said village above the age of twenty-one years and under the age of fifty-five years, of two days labor, or in lieu thereof one dollar and fifty cents to be appropriated in improving the roads and streets of said village under the direction of such persons as they may appoint: provided, however that such poll tax shall not be imposed without the previous consent of a majority of the persons subject to pay such poll tax present at some regular or special meeting.

SEC. 14. The said trustees may ordain and provide such reasonable fines forfeitures and penalties upon the offenders against the by-laws regulations and ordinances of said village as they shall deem proper not exceeding twenty dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name of the corporation, to and for the use of the corporation: and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture and to give the special matter in evidence: and the defendant may plead the general issue and give the special matter in evidence: all expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation, and all penalties and forfeitures when collected shall be paid to the treasurer for the use of the village.

SEC. 15. The affidavit of the printer of the publication of any by-laws or ordinances or the affidavit or oath of the clerk of the corporation, of the posting up notices by-laws or ordinances as required by this act shall be sufficient proof in all courts and elsewhere that such notices by-laws or ordinances were properly published or posted up.

SEC. 16. Any three of said trustees shall be a quorum for the transaction of all business, but no by-law ordinance or regulation shall pass unless three of said trustees concur therein.

SEC. 17. No person shall be an incompetent judge justice juror or witness by reason of his being an inhabitant or freeholder in said village in any action or proceeding in which said village is a party or interested.

SEC. 18. Every inhabitant of said village belonging to any fire company or hook and ladder company therein shall be exempt from serving on ju-

ries and from doing military duty except in case of war invasion or insurrection.

SEC. 19. It shall be lawful on the fourth Tuesday of July instant, and thereafter at the regular annual village meeting for all voters who own taxable property in said village to decide how much and for what purpose revenue shall be raised, but in no case shall the revenue voted to be raised in one year exceed the rate of one dollar on every one hundred dollars of the assessed value of all property subject to taxation.

SEC. 20. The following property shall not be taxed by virtue of any law or ordinance adopted by the authority of said village to wit: the property of the United States, of this state, of Washington county, of said village, of all incorporated literary benevolent charitable and scientific institutions, every public library, school house, house for public worship, academy, and seminary of learning and the lots on which such buildings are situated, and all property which is or shall be by law exempt from taxes for state and county purposes.

SEC. 21. All property real and personal within the limits of said village, not exempted above shall be subject to taxation: personal property shall be construed to include all goods, chattels, monies and effects, all stocks in any monied corporation and the debts due from solvent debtors over and above the amount of debts owed by the owner of personal property above specified.

SEC. 22. It shall be the duty of the assessors on or before the first Tuesday of August next, and thereafter on or before the last Tuesday of March of each year, to make out an assessment roll, in which they shall set down the names of all taxable inhabitants of said village, and the names so far as they can be ascertained of non-residents, who shall own real estate therein and the description quality and value of all the property subject to taxation in said village, and then to give one weeks notice of the time and place at which they will meet to equalize and correct said assessment roll: at which time and place they shall proceed in the same manner as town assessors in like cases are now required to do, and may require the like affidavit of any person conceiving himself aggrieved by the assessment, and for that purpose either of said assessors shall have power to administer an oath and the said assessors shall cause all such affidavits to be filed in the office of the clerk of said village: when said assessment roll shall have been completed it shall be certified by at least two of the assessors as a true as-

assessment roll of all the property subject to taxation in said village, and immediately deposited with the clerk of said village.

Sec. 23. It shall be the duty of the clerk after the assessment roll is placed in his hands, and as soon as the amount of tax to be levied or the rate per cent shall be determined in accordance with the provisions of this act to complete said assessment roll by annexing to each lot or other kind of property the amount of tax which shall be chargeable on the same agreeably to the assessment as returned and the amount or rate per cent determined so as aforesaid; which schedule shall be called a tax list, and shall be recorded by the clerk in a book by him kept for that purpose.

Sec. 24. The clerk shall complete the tax list as aforesaid and deliver the same to the village treasurer within one month from the time when the amount of tax shall be determined, and shall note the time of such delivery in the book where such list shall be recorded which record shall be conclusive evidence of such delivery; and the tax so assessed shall be and continue a lien on the property in the hands or possession of any resident of said corporation so assessed and taxed, from and after the day of the delivery of the tax list into the hands of the treasurer as aforesaid until such tax shall be paid together with all costs which may accrue thereon under the provisions of this act.

Sec. 25. Upon the receipt of the tax list as aforesaid it shall be the duty of the treasurer immediately to give a notice in a newspaper printed in said village or by posting up notices in three public places in said village that such tax list has been committed to him for the purpose of collecting the tax thereon: and that he will receive the taxes at his office for one month thereafter next ensuing, subject to a deduction of five per centum if paid within said month.

Sec. 26. If the taxes are not paid to the treasurer on or before the expiration of said month he may proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving six days notice of the time and place of such sale by written or printed notices posted up in three public places in said village.

Sec. 27. In case the tax on any lot or other piece of land shall remain unpaid for six weeks after the tax list shall have been placed in the hands of the treasurer so as aforesaid, and there are no goods or chattels subject to be taken of the person charged therewith to be found in said village, it shall be the duty of the treasurer to give notice for four weeks successively

in a newspaper printed in said village and by posting up notices in three public places in said village that all lots and other pieces of land upon which the taxes have not been paid will be sold by him at a certain time and place to be therein mentioned for the purpose of paying the taxes assessed thereon, together with all costs and charges which shall accrue by advertisement and sale agreeably to the provisions of this act: when requested the treasurer shall receive the taxes on a part of any tract or lot of land.

SEC. 28. On the day mentioned in the said notice the treasurer shall commence the sale of the said lots and lands and shall continue the same from day to day between the hours of nine o'clock A. M. and four o'clock P. M. until so much shall have been sold as will pay the taxes interest and charges thereon: the treasurer shall give to the purchaser or purchasers of any such lots or lands or parts thereof, a certificate describing such lots or lands or parts thereof purchased, stating the sum paid therefor including charges, and fees, and the time when the purchaser will be entitled to a deed for the same: said certificate shall be negotiable by endorsement.

SEC. 29. The treasurer shall keep a record of all such lots or lands or parts thereof so sold in the same manner as clerk of the board of supervisors are now required to do: said record to be open to inspection to all persons free of charge.

SEC. 30. For two years after such sale of lots and lands, and at any time before the recording of the conveyance provided for in section thirty-two any person having an interest in the same may redeem any lot or tract of land so sold by paying to the treasurer for the use of the purchaser his heirs or assigns the sum mentioned in such certificate together with interest at the rate of twenty-five per centum per annum from the date of such certificate; and also by paying to the treasurer any further charge which shall have accrued thereon.

SEC. 31. Three months before the expiration of the time of redemption aforesaid the treasurer shall publish in the manner mentioned in the twenty-seventh section of this act an advertisement describing each lot and tract of land remaining unredeemed with the sums due thereon, and the day on which the same will be forfeited unless the said sums shall be paid.

SEC. 32. At the expiration of the said two years, the treasurer shall upon demand execute in the name of the Village of Port Washington to the purchaser his heirs or assigns, a conveyance of the lots or lands so sold which conveyance shall vest in the person or persons to

whom it shall be given an absolute estate in fee simple of the lots or lands so conveyed, and shall be presumptive evidence that the sale was regular according to the provisions of this act: every such conveyance executed by the treasurer under his hand and seal in the name and in the behalf of the village of Port Washington and the execution thereof witnessed and acknowledged as by law in other cases provided, and duly recorded may be given in evidence in the same manner and with like effect as any other deed regularly acknowledged witnessed and recorded.

SEC. 33. The trustees of said village may appoint an agent to attend any sale of lands under this act and bid off the same in the name of the village: the certificates so bid off may be transferred by the president of said village endorsing his name thereon as such president; but in no case shall the certificates so bid off for said village be sold for less than their face and the interest due on them: all deeds of purchase grant devise or otherwise shall run to the President and trustees of the village of Port Washington and their successors.

SEC. 34. If any person who shall purchase any lot or piece of land in pursuance of this act shall pay any tax subsequent to such purchase of such lot or piece of land the person who shall redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty five per centum per annum for the benefit of such purchaser.

SEC. 35. For publishing all notices by-laws ordinances and regulations the trustees shall allow the printer such reasonable sum as they may deem proper.

SEC. 36. The legislature may at any time alter amend or repeal this act.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved July 20, 1848.

NELSON DEWEY.

AN ACT supplementary to "an act to establish the seat of Justice of the county of St. Croix.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SEC. 1. The seat of justice of the county of St. Croix shall be established near the mouth of Willow River on the east side of lake St. Croix on section twenty-four, and all courts to be held in and for said county shall be held at some convenient house on said section until some other and more suitable place shall be provided for that purpose.

SEC. 2. All acts and parts of acts contravening this act are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved July 25, 1848.

NELSON DEWEY.

AN ACT relating to the Milwaukee and Rock River Canal Lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the offices of register and receiver of canal lands be and the same are hereby abolished: provided that nothing in this act contained, shall be so construed as in any manner to affect the title to any

lands already sold, or to relieve any register or receiver or their or either of their sureties from any liability incurred either civil or criminal, or which may occur, or from delivering over all books, papers and money in the manner heretofore provided by law or as hereinafter required by this act.

Sec. 2. It shall be and is hereby made the duty of John White register of the canal lands on or before the first Monday of August one thousand eight hundred and forty eight to deposit with the secretary of state all books plats mortgages records and documents belonging to and preserved in said office together with a statement shewing the description, quantity and quality of the unsold canal lands: and David Merrill receiver of said lands shall within the same time pay over to the state treasurer all money which shall have accrued from the sale of said lands, and deliver over to the said treasurer, all books and vouchers belonging to said office.

Sec. 3. Any purchaser or purchasers of any of said lands, at any sale prior to one thousand eight hundred and forty five, his her or their heirs executors, administrators or assigns, who shall not have availed him, her, or themselves of the provisions of an act approved March 11th 1848, and paid the amount due and required to be paid upon any mortgage executed by said purchaser by the time specified in said act shall pay the amount due upon such mortgage computing the land at one dollar and twenty five cents per acre into the state treasury on or before the first day of August one thousand eight hundred and forty eight, with interest as provided in said act, and upon such payment it shall be the duty of the secretary of state to cancel any such mortgage and report the same to the legislature: And it shall be the duty of the secretary of the state of Wisconsin, as soon as may be after the receipt of any mortgage on which any part of the purchase money of said lands shall be due to transmit to the attorney general any mortgage or mortgages upon any lands in the counties of Milwaukee, Waukesha and Jefferson who shall proceed to foreclose the same and collect the amount due thereon without delay: Provided that in any sale that may be made in pursuance of any decree, none of said lands shall be sold at a less price than sufficient to pay the amount due to the state with interest and all costs and fees incident to procuring the decree and effecting such sale.

Sec. 4. It shall be the duty of the secretary of state immediately after the passage of this act to send a certified copy of the same to John White register and David Merrill receiver as aforesaid.

Sec. 5. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved July 26, 1848.

NELSON DEWEY.

AN ACT to establish the University of Wisconsin.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be established in this state at or near the village of Madison in the county of Dane an institution of learning under the name and style of the university of Wisconsin.

SEC. 2. The government of the university shall be vested in a board of regents to consist of a president, to be elected in the manner hereinafter provided, and twelve members, who shall be elected by the senate and assembly of this state, and who shall enter upon the duties of their office as soon as elected : provided that such regents shall not be entitled to receive compensation for their services.

SEC. 3. The members of the board at their first meeting, shall be divided in such manner as they shall determine into classes number one, two and three: class numbered one shall hold their office for two years: class numbered two for four years: and class numbered three for six years from the first Monday of January one thousand eight hundred and forty nine: Thereafter those elected triennially to supply the vacancies made by the provisions of this section, and in the manner provided for in the second section shall hold their office for six years respectively.

SEC. 4. The chancellor of the university elected as hereinafter mentioned shall be ex-officio president of the board of regents and until elected or when absent the board may appoint a president pro tem.

SEC. 5. The regents of the university and their successors in office shall constitute a body corporate with the name and style of the "Regents of the University of Wisconsin with the right as such of suing and being sued of contracting and being contracted with of making and using a common seal and altering the same at pleasure.

SEC. 6. The regents shall appoint a secretary a treasurer and a librarian, who shall hold their respective offices during the pleasure of the board: It shall be the duty of the secretary to record all the proceedings of the board, and carefully to preserve all its books and papers: The treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give such bonds for the faithful performance of the duties of his office as the regents may require.

SEC. 7. The regents shall have power and it shall be their duty to enact laws for the government of the university, to elect a chancellor and appoint the requisite number of professors and tutors and such other officers as they may deem expedient: also to determine the amount of their respective salaries: provided that the salaries thus determined shall be submitted to the legislature for their approval or disapproval.

SEC. 8. The university shall consist of four departments: First, the department of science literature and the arts. second, the department of law: third, the department of medicine: fourth, the department of the theory and practice of elementary instruction: The immediate government of the several departments shall be intrusted to their respective faculties; but the regents shall have power to regulate the course of instruction, and prescribe under the advice of the professorships, the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other universities.

SEC. 9. The regents shall have power to remove any officer connected with the institution, when in their judgment the interests of the institution require it.

SEC. 10. The fee of admission to the university shall never exceed ten dollars, and the charges for tuition in the first and fourth departments shall never exceed in one year to the residents of the state twenty dollars; and as

soon as the income of the university fund will permit tuition in those departments shall be without charge to all students in the same who are residents of the state,

SEC. 11. The regents are authorized to purchase a suitable site for the erection of the university buildings; and to proceed to the erection of the same, as soon as they may deem it expedient: provided, that before they make the purchase or proceed to the erection of such buildings, they shall submit a plan of the same to the legislature, which shall be approved by them.

SEC. 12. The regents are authorized to expend such portion of the income of the university fund as they may deem expedient for the erection of suitable buildings, and the purchase of apparatus, a library and a cabinet of natural history.

SEC. 13. The regents shall make a report annually to the legislature at its regular session exhibiting the state and progress of the university in its several departments, the course of study, the number of professors and students, the amount of expenditures; and such other information as they may deem proper.

SEC. 14. Meetings of the board may be called in such manner as the regents shall prescribe, and any seven of them at a meeting regularly called shall be a quorum for the transaction of business; and a less number may adjourn from time to time: provided, that their first meeting may be called by any three members of the board.

SEC. 15. The regents if they shall deem it expedient may receive into connexion with the university any college in this state upon application of its board of trustees; and such college so received shall become a branch of the university, and be subject to the visitation of the regents.

SEC. 16. That no religious tenets or opinions shall be required to entitle any person to be admitted as a student in said university, and no such tenets or opinions shall be required as a qualification for any professor tutor or teacher, of said university; and no student of said university shall be required to attend religious worship in any particular denomination.

SEC. 17. An act entitled "an act to establish a university of the territory of Wisconsin approved January 19th 1838 is hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.

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J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, July 26, 1848.

NELSON DEWEY.

AN ACT to Exempt a Homestead from forced sale.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. A homestead consisting of any quantity of land not exceeding forty acres used for agricultural purposes, and the dwelling house thereon and its appurtenances to be selected by the owner thereof, and not included in any recorded town plot or city or village, or instead thereof at the option of the owner, a quantity of land not exceeding in amount one fourth of an acre, being within a recorded town plat or city or village, and the dwelling house thereon, and its appurtenances owned and occupied by any resident of the state, shall not be subject to forced sale on execution or any other final process from a court for any debt or liability contracted after the first day of January in the year one thousand eight hundred and forty-nine.

SEC. 2. Such exemption shall not affect any laborers or mechanics lien or extend to any mortgage thereon lawfully obtained but such mortgage or other alienation of such land by the owner thereof, if a married man shall not be valid without the signature of the wife to the same.

SEC. 3. Whenever a levy shall be made upon the lands or tenements of a householder whose homestead has not been selected and set apart by metes and bounds such householder may notify the officer at the time of making such levy of what he regards as his homestead with a description thereof within the limits above prescribed, and the remainder alone shall be subject to sale under such levy.

SEC. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid; the officer making such

levy, shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act; and the expenses of said survey shall be chargeable on the execution and collected thereupon, if it shall appear after such survey that the owner of said land did not correctly state his metes and bounds: otherwise the expenses of survey shall be borne by the person directing the same.

SEC. 5. After the survey shall have been made the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution; and in giving a deed of the same he may describe it according to his original levy, excepting therefrom by metes and bounds according to the certificates of survey the quantity set off as aforesaid.

SEC. 6. Any person owning and occupying any dwelling house on land not his own, which land he shall be rightfully in possession of by lease or otherwise, and claiming such house as his homestead shall be entitled to the exemption of such house.

SEC. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes.

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate, pro tem.

Approved July 29, 1848.

NELSON DEWEY.

AN ACT providing for the appointment of commissioners to select and locate the School and other lands granted to the State by Congress.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The governor is hereby authorized and empowered to appoint from one to three commissioners in each grand (land) district whose duty it shall be to select and locate the residue of the lands granted by congress, by an act approved September fourth one thousand eight hundred and forty one for the purpose of internal improvement and subsequently appropriated by an act providing for the admission of the state of Wisconsin into the Union, for the use of schools; and any other lands entitled to be selected as school lands in pursuance of an act of congress entitled "an act to authorize the selection of certain school lands in the territories of Florida, Iowa and Wisconsin" approved June 15th 1844, and also to select and locate the ten sections of land granted by congress to the state for the purpose of completing the public buildings of the state or for the erection of others at the seat of government.

SEC. 2. The said commissioners so appointed shall before entering upon the duties required of them by this act take and subscribe an oath of office as required in section twenty eight of article four of the constitution before some person authorized to administer oaths and transmit the same to the governor, who shall cause the same to be filed in the office of the secretary of state.

SEC. 3. The said commissioners shall act under the direction of the governor in procuring plats and other necessary papers for their use; and shall at least once in every month make a return of their doings to the governor. they shall also make returns to their respective land offices as often and as speedily as possible of the several tracts of land selected by them.

SEC. 4. The governor shall have a general superintendance over said commissioners and if in his opinion the services of one or all of them are no more required he may revoke his or their commissions.

SEC. 5. The said commissioners shall each receive three dollars for each and every day actually and necessarily spent in performing the duties required by this act and they shall certify under oath the number of days so employed.

N. E. WHITESIDE,
Speaker of the Assembly.
HENRY M. BILLINGS,
President of the Senate, pro tem.

Approved, July 29, 1848.

NELSON DEWEY.

AN ACT to organize the county of Marquette for Judicial purposes.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first Monday of September next the county of Marquette shall be organized for judicial purposes, and shall enjoy all the privileges of the counties of this state. The county of Marquette shall form a part of the third judicial circuit, and the courts therein shall be held by the judge of said circuit.

SEC. 2. All writs process appeals, recognizances or other proceedings commenced in the district court of Fond du Lac county prior to the first Monday of September next which originated in the county of Marquette shall be prosecuted to final judgment and executions issued thereon in the same manner they might or could have been had this act not been passed. Provided, such suit may be removed to the circuit court of Marquette county on the petition of either of the parties litigant, and in such case it is made the duty of the clerk of the district court of Fond du Lac county to transmit to the clerk of the circuit court of Marquette county, a transcript

of all records appertaining to such suits, any law to the contrary notwithstanding.

Sec. 3. The election for sheriff, coroners, judge of probate and clerk of the circuit court, of said county, shall be held on the first Monday of September next, at the places in the several precincts at which the last general election was held, and the returns of said election shall be made to the clerk of the board of county commissioners or supervisors as now or shall be prescribed by law for other elections: said clerk shall proceed to canvass the same and give a certificate of election as the law requires. The term of office of said officers shall expire at the same time as if they had been elected at the last regular time for holding elections for county officers.

Sec. 4. It shall be the duty of the clerk of the board of county commissioners of said county to post up notices of this election in three public places in each precinct at least ten days previous to the time of holding the same.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate:

Approved, July 31, 1848.

NELSON DEWEY.

AN ACT to authorize the Governor to distribute the quota of arms to which Wisconsin is entitled from the General Government.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor of this state is hereby authorized to distribute the quota of arms and military equipments which the state of Wis-

consin may receive from the government of the United States under the provisions of the several acts of Congress providing for arming and equipping the whole body of the militia of the United States. He shall require the officers to whom such arms or equipments are distributed and delivered to execute to the state of Wisconsin a bond with two sufficient sureties to be approved by him in the penal sum, as near as may be, of double the value of said arms or equipments, conditioned for the safe keeping and delivery of the same on the order of the governor.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved July 31, 1848.

NELSON DEWEY.

AN ACT to pay Ernest F. Herzberg the sum therein mentioned. The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be appropriated and paid out of any money in the state treasury to Ernest F. Herzberg the sum of fifty dollars in full for translating the constitution adopted in convention at Madison February 1st A D 1848, into the German language.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, July 31, 1848.

NELSON DEWEY.

AN ACT to appropriate to David Holt the sum therein named.
 The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to be paid out of the state treasury to David Holt postmaster the sum of four hundred and thirty five dollars being the amount heretofore directed to be set apart and reserved for the payment in part of the postage of the governor, lieutenant governor and members of the legis ature at the present session.

SEC. 2. The secretary of state is hereby authorized and directed to issue his warrant upon the treasury in favor of the said David Holt for the sum hereby appropriated.

N. E. WHITESIDE,
 Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved July 31, 1848.

NELSON DEWEY.

AN ACT to authorize special Town Meetings in certain cases.
 The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows :

SECTION 1. If from any cause any organized town of this state neglect or shall have heretofore neglected or refused to hold their annual town meeting or to elect town officers or to vote any tax authorized by law, the town clerk of said town or in case there shall be no such officer, then the clerk of the board of supervisors of said county shall, if required by twenty legal voters, order a special town meeting to be holden in such town, giving at least ten days notice of the time and place of holding such election by

posting notices in three of the most public places in said town: and all proceedings had at such town meetings shall be as valid and effectual as if the same had taken place at the regular town meetings.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved August 1, 1848.

NELSON DEWEY.

AN ACT to provide for levying and collecting State Revenue.

The people of the State of Wisconsin, represented in Senate and assembly, do enact as follows :

Sec. 1. For the purpose of raising a revenue there shall be levied and collected in each county of this state in accordance with the provisions of an act entitled "an act to provide the means to pay the public debt of the territory" approved February 24th 1845 a state tax of four and one half mills on the dollar valuation to be levied collected and paid into the state treasury in gold silver or auditors warrants hereafter issued by the time hereinafter provided.

Sec. 2. The supervisors of their respective counties are hereby authorized and required to hold a session of their respective boards on the second Monday of September next: the county commissioners of their respective counties are hereby authorized and required to hold a session of their respective boards on the second Monday of August next (inst.); at which session all county and state taxes shall be levied upon the assessment rolls for the present year and such other business transacted as might be done at any regular or annual meeting of the respective boards.

Sec. 3. It shall be the duty of the clerk of the boards of county com-

missioners and supervisors in their respective counties to give notice either by the publication in some newspaper of the county or personally to the commissioners or supervisors of the session required to be held by this act: Provided that if a majority of the board shall fail to attend the clerk shall adjourn the same from day to day until a majority shall be in attendance: and provided further that if any clerk shall fail to receive notice of the provisions of this act before the time of said meeting, he shall convene the county board at the earliest possible time thereafter at which session they shall discharge the duties required by this act.

SEC. 4. Each and every county shall pay over to the state treasurer the amount authorized to be levied and collected by this act in their respective counties together with all arrearages due the state on former assessments, on or before the first day of February next, and in case any county shall fail to levy collect and pay over the amount required by this act it shall be the duty of the attorney general immediately upon being notified by the secretary of state to commence suit against each and every county so delinquent for the recovery of the amount required to be collected and paid over as aforesaid.

SEC. 5. It shall be the duty of the secretary of state immediately after the passage of this act to transmit a copy of the same to the clerk of every county in the state.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 1st. 1848.

NELSON DEWEY.

AN ACT to abolish the office of Auctioneer.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

Sec. 1. All acts or parts of acts relating to the appointment of Auctioneers or prescribing their powers and duties are hereby repealed.

Sec. 2. The office of Auctioneer is hereby abolished.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, August 1st, 1848.

NELSON DEWEY.

AN ACT to organize the several towns therein named, and to authorize the same to hold a special election for town officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Sec. 1. So much of Dane county as is embraced in town eight north of ranges six and seven east, shall constitute a separate town and shall be known by the name of Farmersville and the first election shall be held at the house of George W. Wilson.

Sec. 2. The town of Howard in Brown county is hereby divided and organized into three towns as follows to wit: The first town shall be called the town of Howard, and its south and west boundaries shall be the present boundaries of the town of Howard including therein the Oneida reservation;

the north boundary of said town shall be the northern line of township twenty-four, or the Bay and Fox river line; the first election of said town shall be held at the late dwelling house of Colonel Samuel Ryan: The second town shall be called the town of Sumnico, and the south line of said town shall be the south line of township twenty-five, and the said town shall comprise townships twenty-five, twenty-six, twenty-seven and twenty-eight, running west as the town of Howard aforesaid: the first election of said town shall be held at the house of Daniel W. Hubbard: The third town shall be called the town of Menominee, and the south line thereof shall be the south line of township twenty-nine including therein the remaining (remaining) townships between that line and the boundary line of Wisconsin and Michigan, thence running west as in the town of Howard aforesaid; the first election of said town shall be held at the house of J. Corey Hall.

SEC. 3. The several towns mentioned in this act are hereby authorized to hold special elections for town officers on the fourth Monday of August next (inst.) at twelve o'clock M. of that day and the term of office of the respective officers elected at said special elections shall expire at the same time as if said elections had been holden at the last regular time for holding town elections.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 2d, 1848.

NELSON DEWEY.

AN ACT to change the boundaries of the towns of Paris and Bristol in the county of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The south half of sections thirty one, thirty two, thirty three, thirty four, thirty five and thirty six being and lying in the south part of the town of Paris adjoining the town of Bristol in Racine county are hereby set off from said town of Paris and annexed to the town of Bristol in said county, and for all purposes shall become a part of said town subject to the rules and regulation thereof.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 3, 1848.

NELSON DEWEY.

AN ACT concerning the weighing of Lead Ore, Copper Ore and other mineral substances.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county treasurer of the several counties of this state shall within their respective counties be authorized to adjust examine and correct all beams scales weights and poise used in the weighing of lead ore, copper ore or any other mineral substance within their respective coun-

ties: and to grant a certificate of every such adjustment examination and correction which certificate shall be attested by the clerk of the board of county commissioners or supervisors of such county, with the seal of said board attached thereto; said certificate shall describe with certainty the length of such beam, the name of the maker thereof (if the same be designated thereon,) the exact weight of the poise used with such beam in weighing one thousand pounds, the name of the smelter or person for whom such examination was made with the date thereof; and whether such poise had at the time of such examination any lead or other substance attached thereto to increase the weight thereof: The said treasurer shall also impress seal and stamp upon every such poise so examined by him on the lower part thereof and upon the outside of any addition of lead or other substance which may be made to such poise to increase the weight thereof the letter W. so that the same may be clearly observed.

SEC. 2. The standard of weight to be used in the examination required by the preceding section of this act, shall be that which is provided in the sixth section of an act of the late territory of Wisconsin—entitled “an act to regulate weights and measures.

SEC. 3. No smelter or other person or persons engaged in the purchase of lead ore copper ore or other mineral substance shall within the limits of this state use for the purpose of weighing lead ore, copper ore or other mineral substance, any beam scale weight or poise unless the same shall have been duly examined adjusted and corrected in the manner hereinbefore provided, at some time within one year preceding the time of using such beam weight scale or poise and every smelter person or persons who shall violate or infringe the provisions of this section shall forfeit and pay the sum of fifty dollars which may be recovered in an action of debt instituted in any court of this state of competent jurisdiction in the name of the person complaining for the use of the county; and upon a recovery in such action, one half of the penalty shall go to such person complaining and the residue shall be paid into the county treasury.

SEC. 4. The clerk of the board of county commissioners or boards of supervisors in each of the counties, shall keep a book in which he shall register the name of every smelter or person who may obtain a certificate in the manner hereinbefore mentioned together with a description of the beam scale weight or poise examined and such registry shall be complete evidence of every thing therein contained in any of the courts of this state.

Sec. 5. The treasurer shall for every such certificate be entitled to demand and receive from the person obtaining such certificate the sum of fifty cents, and the clerk of the board of county commissioners or board of supervisors for attaching his attestation and the seal of said board to such certificate; and for registering the same he shall be entitled to demand and receive the sum of seventy five cents from the person aforesaid.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 3, 1848.

NELSON DEWEY.

AN ACT to provide for levying a tax on Waterville joint school district in the county of Waukesha and repeal previous acts relating thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of Waterville joint school district in the county of Waukesha composed of sections thirty five, thirty six, the east half of section thirty four, the south east quarter of section twenty seven, the south half of section twenty five and section twenty six, in the town of Summit, sections numbered thirty one and thirty two in the town of Delafield, and sections numbered one and two, the east half of section three, the north east quarter of section ten, the north half of sections eleven and twelve in the town of Ottawa in said county, are hereby authorized to levy a tax upon all the taxable property in said school district not exceeding the sum of three hundred dollars for the purpose of building a school house in said district and such other things connected therewith as they may

deem necessary and that said tax be collected and accounted for in the same manner as other school district taxes.

SEC. 2. The proceedings of the school commissioners of common schools in relation to the formation of said school district as aforesaid had on the twenty fifth day of December one thousand eight hundred and forty six also those of the school commissioners of the town of Summit had on the thirty first day of May one thousand eight hundred and forty seven are hereby declared legal and valid.

SEC. 3. The several acts approved February 10th 1847 and March 11th 1848, relating to said school district are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 3, 1848.

NELSON DEWEY.

AN ACT to change the name of Mary Eleanor McDonald to Mary Eleanor McDonald Patten and of James Paschal McDonald to James Paschal McDonald Patten.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of Mary Eleanor McDonald is hereby changed to Mary Eleanor McDonald Patten and the name of James Paschal McDonald is hereby changed to James Paschal McDonald Patten.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 4, 1848.

NELSON DEWEY.

AN ACT to authorize the appointment of commissioners to take the acknowledgment of deeds and other contracts and depositions in other states.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. The governor shall have power to appoint one or more commissioners in any other of the United States or of the territories belonging to the United States who shall continue in office during the pleasure of the governor and shall have authority to take the acknowledgment and proofs of the execution of any deed or other conveyance or lease of any lands lying in this state, and of any contract letter of attorney or any other writing, under seal or not, to be used or recorded in this state.

SEC. 2. Such acknowledgment or proof so taken according to the laws of this state and certified to by any such commissioner under his seal of office annexed to or endorsed on such instrument shall have the same power and effect as if the same had been made before any officer authorized to perform such acts in this state.

SEC. 3. Every commissioner appointed as before mentioned shall have power to administer an oath which may be lawfully required in this state to any person willing to take it, and to take and duly certify all depositions to be used in any of the courts of this state in conformity to the laws thereof either on interrogatories proposed under a commission from a court of this state or by consent of parties or on legal notice given to the opposite party and all such acts shall be as valid as if done and certified according to law by a proper officer of this state.

SEC. 4. Every such commissioner before performing any duty or exercising any power by virtue of his appointment shall take and subscribe an oath or affirmation before a judge or a clerk of one of the courts of record of the state in which such commissioner shall reside well and faithfully to execute and perform all the duties of such commissioner under and by virtue of the laws of Wisconsin which oath with a description or im-

pression of his seal of office shall be filed in the office of the secretary of this state.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 4, 1848.

NELSON DEWEY.

AN ACT to authorize the trustees of school district number one in the town of Montrose to levy a tax for the purpose of building a school house.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of school district number one in the town of Montrose in Dane county are hereby authorized to levy and collect a tax not exceeding one hundred and fifty dollars upon all lands entered in said district prior to the fifteenth day of July one thousand eight hundred and forty eight for the purpose of building a school house and purchasing such furniture as they may deem necessary : provided, that a majority of the legal voters of said district present at a meeting called for that purpose by a written notice posted up in three of the most public places in said district for at least two weeks previous to such meeting, shall vote to levy such tax.

SEC. 2. It shall be lawful and it is hereby made the duty of the trustees of the aforesaid school district to proceed forthwith to ascertain by diligent inquiry, what lands have been entered at the land office since the last annual assessment and prior to the fifteenth day of July in the year of our Lord one thousand eight hundred and forty eight describing the same in

the same manner that assessors are now required to describe lands in their assessment rolls, and they shall deliver to the chairman of the board of supervisors of the town of Montrose a list of such lands made liable to be taxed by the provisions of this act in time for the said chairman to lay the same before the board of county supervisors at their next annual meeting.

SEC. 3. It shall be the duty of the county board of supervisors immediately after they shall have equalized the assessment of the lands lying in the district aforesaid to place in the column left for that purpose and opposite to the description of each and every piece or parcel of land contained in the list aforesaid such valuation as shall have been by them put upon other lands in said district, and shall certify the same and deliver it to the supervisor of Montrose to be by him transmitted with the corrected assessment roll to the clerk of said town for the use of the trustees of the district aforesaid.

SEC. 4. The said tax shall be levied upon the property prescribed in this act and collected and returned in the same manner as is now provided by law for the collection of taxes for building school houses any law or parts of law to the contrary notwithstanding.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 4, 1848.
NELSON DEWEY.

AN ACT to organize the town of Farmersville in the county of Dane.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Township eight north of ranges six and seven east, shall

constitute a separate town and shall be known by the name of Farmersville and the first election shall be held at the house of George W. Wilson, on the second Monday of August one thousand eight hundred and forty eight at twelve o'clock M. notice of said election to be given by the clerk of the board of supervisors of the county of Dané. It shall be the duty of the assessors elected in said town at the election aforesaid to make out assessment rolls of the taxable property in said town and return the same to the proper officer on or before the second Monday of September next.

SEC. 2. Section one of an act entitled "an act to organize the several towns therein named and to authorize the same to hold special elections for town officers" is hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 4, 1848.

NELSON DEWEY.

AN ACT to provide for the improvement of the Fox and Wisconsin rivers and connecting the same by a canal.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SEC. 1. The construction of the improvements contemplated by the act of Congress entitled "An act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers and to connect the same by a canal in the territory of Wisconsin" approved August 8th 1846 and the superintendence and repair thereof after the completion shall be under the direction and control of a "Board of Public Works."

SEC. 2. Said board shall consist of five persons who shall be elected by

joint vote of the legislature, and who shall severally take and subscribe an oath of office to be filed in the office of the Secretary of State and shall continue in office for the term of one year, and until others are duly qualified they shall each receive as a compensation for their services, the sum of three dollars per day for each days attendance to the duties required by this act and for each day necessarily spent in travelling to and from the places of meeting to be paid out of the fund appropriated for said work four of said board shall constitute a quorum for the transaction of business.

SEC. 3. The register provided for in the thirtieth section of this act shall act as secretary of the board of public works whose duty it shall be to keep a faithful record of the transactions of said board: he shall have the custody of all books and papers belonging to the board and certify their orders and proceedings when required and shall perform such other duties as may be imposed upon him by said board.

SEC. 4. The said board may appoint a superintendent and engineer and authorize the employment of such subordinate officers as may be necessary and determine the compensation of each but no superintendent or other person except the engineers shall receive more than two dollars per day for each day actually employed in the service of the state.

SEC. 5. The said commissioners shall first commence the construction of the canal and after said canal is finished the improvements of the Wisconsin and Fox rivers shall be commenced beginning from both ends of the canal down each stream so as to make said streams navigable as the improvements progress, with the exception of the improvements of the several rapids on Fox river below Lake Winnebago which may be commenced at any time said commissioners may think proper: after the construction of the canal the nett proceeds of one-sixth of the sale of the grant of land is hereby set apart for the improvement of the Wisconsin river, and five-sixths of said proceeds to the improvement of the Fox river: Provided that no more than ten thousand dollars shall be expended in improving the navigation of the Fox river from the said canal to Lake Winnebago until farther action of the legislature of this state or until the said river shall be made navigable to Green Bay.

SEC. 6. The said works shall be divided into convenient sections unconnected with each other each of which shall be let separately by contract to the lowest bidder but where the bids of any one contractor shall embrace more than one section and shall be in the aggregate less than other propo-

sals for the same work his bids may be accepted and all contracts shall be made in the triplicate one copy to be retained by the secretary of the board and one copy to be deposited in the office of the secretary of state.

Sec. 7. Each section shall be advertised separately and the notice of the time and place at which proposals will be received by said board for letting the same to contracts shall contain a concise but full specifications of the work to be done, the time limited for the completion thereof and the terms of payment and shall be published six weeks successively in such papers published in the state as the board may direct the last publication to be at least ten days before the expiration of the time limited therein to receive proposals.

Sec. 8. All proposals shall be sealed and shall distinctly specify the section or part of the work to be constructed, the price to be paid without any alternative condition or limitation and no more than one proposition shall be received from any one person for the same contract each proposal shall also be accompanied by a guarantee to be signed by two or more sureties whose sufficiency shall be certified by a judge of the circuit court or one of the board conditioned that the holder shall enter into contract within such time after receiving notice of the acceptance of his bid as the board may direct and will give security to the satisfaction of such board for the completion of the work according to the specifications contained in the advertisement of the board otherwise such proposals shall be rejected.

Sec. 9. At the expiration of the time limited for receiving proposals the board shall meet and shall then open and compare the different proposals and shall accept the lowest offer made in compliance with the provisions of this act and forthwith notify the bidder of such acceptance and if any person whose proposal shall have been accepted does not within fifteen days thereafter enter into written contract for the performance of the work according to his bid and give security as herein provided: the board shall proceed to let by giving further notice such contract to some other person or persons upon the best terms they can obtain, and may sue for and recover on the guarantee before mentioned any excess by the board agreed to be paid upon such second letting over the price demanded in the proposal of the person or persons thus failing to enter into contract as aforesaid.

Sec. 10. No advance or extra compensation shall in any event be made to any contractor except that the board may whenever a contract shall be partially fulfilled advance the sum not exceeding seventy-five per

cent. on the appraisal of the superintendent of the work done under such contract as hereinafter provided.

SEC. 11. It shall be the duty of the superintendent personally to superintend the work of each contractor and to see that the same be done according to contract reporting any and all deficiencies to the board and he shall once a month measure and estimate the work done under each contract and report the same to the secretary of the board who shall thereupon draw his warrant on the treasury for the sum equal to seventy-five per cent. of the amount estimated to be due on such contract which warrant shall be countersigned by the superintendent and paid by the treasurer on presentation; provided that if in any case a contractor shall be dissatisfied with such admeasurement and estimate he may appeal to the board whose decision shall be conclusive.

SEC. 12. No member of the board of works nor any officer constituted under the provisions of this act shall have any share or interest directly or indirectly in any contract to be given out under the provisions of this act.

SEC. 13. The aggregate amount of contracts at any time let by the board shall not exceed the available means devisable from the sale of the lands granted in aid of said improvements, applications for the purchase of which shall have been filed prior to the time of letting such contracts and immediately after such contracts shall have been let said board shall cause the said lands so applied for to be brought in market in quantities not exceeding sixteen thousand acres at any one sale and in time to meet the payment to become due upon the contracts let as aforesaid.

SEC. 14. The board any four of whom shall be a quorum shall meet once in every three months and oftener if they shall deem necessary and shall examine all reports books and accounts submitted to them or in the hands of the secretary and at such meeting may allow such accounts for contingent expenses as may have been incurred under their direction and may give such directions and adopt such regulations not inconsistent with this act for the prosecution of the works and relative to the duties of the several officers herein provided for as they may deem expedient: It shall also be the duty of the governor to transmit monthly to the president of the United States a statement of the amount expended in the construction of said improvements during the preceding month.

SEC. 15. In the construction of such improvements the said board shall have power to enter on, to take possession of and use all lands wa-

ters and materials, the appropriation of which for the use of such works of improvement shall in their judgment be necessary.

SEC. 16. When any land waters or materials appropriated by the board to the use of said improvements shall belong to the state such lands waters or materials and so much of the adjoining land as may be valuable for hydraulic or commercial purposes shall be absolutely reserved to the state, and whenever a water power shall be created by reason of any dam erected or other improvements made on any of said rivers such water power shall belong to the state subject to future action of the legislature.

SEC. 17. When any lands waters or material appropriated by the board to the use of the public in the construction of said improvements shall not be freely given or granted to the state or the said board cannot agree with the owner as to the terms on which the same shall be granted the superintendent under the directions of the board shall select an appraiser and the owner shall select another appraiser who together if they are unable to agree shall select a third, neither of whom shall have any interest directly or indirectly in the subject matter nor be of kin to such owner and said appraisers or a majority of them shall proceed to hear testimony and to assess the benefits or damages as the case may be to the said owner from the appropriation of such land water or materials, and their award shall be conclusive unless modified as herein provided. If the owner shall neglect or refuse to appoint an appraiser as herein directed after ten days notice of such appointment by the superintendent then such superintendent shall make such appointment for him.

SEC. 18. Either party may appeal from such award to the circuit court of the county in which the premises may be situated within thirty days after such award may be made and filed with the secretary of the board and such appeal shall be tried by a jury as other cases commenced in said circuit court, and upon the finding of such jury judgment may be rendered in favor of either party, but no execution shall issue thereon against the state.

SEC. 19. An entry of such award signed by the appraisers or a majority of them or certified by the clerk of the court in case the same shall have been appealed and containing a proper description of the premises appropriated, the names of the persons interested and the sum estimated for benefits or damages shall be made in a book to be kept by the secretary of the board.

SEC. 20. A transcript of such entry signed in like manner acknowledged or proved as a conveyance of land shall be recorded in the office of the register of deeds of the county in which the premises are situated and the fee simple of said premises shall thereupon vest in the state.

SEC. 21. If the damages exceed the benefits it shall be the duty of the board to direct the same to be paid out of the fund appropriated to said improvements proof of such payment or the offer thereof in case the party entitled shall decline to receive the same shall discharge the state and every person under its employ from any claim for such lands waters and materials appropriated as aforesaid.

SEC. 22. As soon as any portion of said improvements shall be completed so as to admit of use the said board shall make rules and regulations from time to time in respect to the passage of boats rafts and other floats through the canal and locks and all matters connected with the navigation thereof, and impose such forfeitures for the breach of any such regulations as may be deemed reasonable by them.

SEC. 23. Said board shall annually and oftener if required submit to the governor a full statement of the condition of said improvements and minute details of the receipts and expenditures of money and the purposes to which it has been applied and generally of all their proceedings during the preceding year.

SEC. 24. For the safe keeping and the disbursement of the moneys appropriated to said improvements the legislature shall appoint by joint vote some competent and responsible person to be treasurer of the board of public works who shall hold his office for the term of one year or until his successor shall be appointed and qualified.

SEC. 25. The treasurer before he shall be qualified to act as such shall take the oath required by the constitution and shall give bond in the sum of fifty thousand dollars with sureties who shall swear that they are worth over and above all liabilities and property exempt from forced sale on final process an amount which in the aggregate shall be equal to the penalty of said bond.

SEC. 26. The register and treasurer shall each receive an annual salary of two hundred dollars and such fees in pre-emption cases and in entries of lands as may be allowed by the board: Provided that the whole amount which either of said officers shall receive during any one year shall not exceed six hundred dollars and the surplus of fees over and above the amount

allowed to the register and treasurer as aforesaid shall be paid to the treasurer and be a part of the improvement fund: the board of works shall prescribe such rules and regulations relating to the duties of said officers as may be necessary and may establish the fees in the cases above referred to.

Sec. 27. No member of said board nor any person who may be interested directly or indirectly in any contract for the construction of any portion of said improvements or surety for any contractor shall hold the office of treasurer or be received as one of his sureties

Sec. 28. All payments to said treasurer shall be made in gold and silver coin and all payments to contractors shall be in like currency and the board shall prescribe the manner in which the accounts of the treasurer shall be kept and the moneys disbursed by him.

Sec. 29. Any treasurer or other person in the employ of the state under and by virtue of the provisions of this act who may be charged with the receipts or disbursements of any of the funds belonging to said improvement arising either from the sale of lands or from any other source who shall use loan or exchange or otherwise misapply any portion of said funds shall be deemed guilty of embezzling so much of said funds as may be thus used loaned or exchanged or otherwise misapplied which is hereby declared to be a felony: and no money shall be paid out by the said treasurer except upon the warrant of the said board which shall be signed by a majority of them and countersigned by the secretary and the said warrants shall be paid in the order in which they are presented giving a preference to no person.

Sec. 30. For the disposal of the lands of the state granted in aid of said improvements there shall be a land office established at Oshkosh in the county of Winnebago which office shall be under the direction of an officer to be called the "Register of the state land office" who shall be appointed by joint vote of the legislature and shall give bond to the state with security to be approved by the Governor in the sum of ten thousand dollars for the faithful discharge of the duties of his office and shall reside at the place where the office is directed to be kept. He shall hold his office for one year and until his successor shall be appointed and qualified: For a violation of any of the duties conferred on the register by this act or of any instructions of the governor relating to his duties the governor of this state is authorized to remove the said register from office and appoint some person

to fill such vacancy and the person so appointed shall continue in office until his successor is duly qualified.

Sec. 31. The governor shall cause to be prepared and transmitted to the register of the land office general plats of the land directed to be sold at said office together with copies of the field notes of said lands.

Sec. 32. The board of works shall select from said lands a quantity not exceeding sixteen thousand acres embracing in such sections lands to which the right of pre-emption may have attached and giving such lands priority in the order of sale corresponding with the dates of settlement established by the claimants respectively and shall proclaim the said lands so selected for sale at public auction at a time to be fixed by them not less than three months from the date of such proclamation, copy of which shall be published in all the newspapers printed in the county or counties in which the lands mentioned therein are situated.

Sec. 33. Such sale shall open on the day mentioned in such proclamation and shall continue open from day to day until all the lands shall have been offered and all the lands remaining unsold at the close of any such public sale may be disposed of at private sale by the register in the manner herein prescribed.

Sec. 34. No lands shall be sold by virtue of this act at either public or private sale for less than one dollar and twenty-five cents per acre and all payments therefor shall be made to the treasurer in gold and silver coin.

Sec. 35. The register shall enter in his books to be kept for the purpose the application of persons who may apply for the purchase of any of said lands subject to sale, and who shall produce to him a receipt from the treasurer of the board of works for the purchase money of the tract applied for stating in each entry the date of the application, the date of the receipt, the amount of money specified therein and the number of the section township and range applied for. If two or more persons apply at the same time for the same tract, the register shall immediately offer such tract in the presence of the parties to the highest bidder, and the applicant who shall name to pay the highest price shall be entitled to a preference.

Sec. 36. The register shall file the receipt from the treasurer produced to him by any applicant and shall give to such applicant a certified copy of his entry.

Sec. 37. The register shall also enter upon the plats the number of the

certificate granted by him to any purchaser, and such plats shall be open to inspection in the presence of the register at all times.

SEC. 38. From and after the passage of this act every person being the head of a family or widow or a single man over the age of twenty-one years and being a resident of the state of Wisconsin who has made or who shall hereafter make a settlement in person on any of the lands granted by the United States to said state to aid in the improvement of the Fox and Wisconsin rivers and who shall inhabit and improve the same and who has erected or shall erect a habitable dwelling thereon shall be and is hereby authorized to enter with the register appointed to sell said lands by legal subdivisions any number of acres not exceeding one hundred and sixty acres to include the residence of such claimant upon the payment to the treasurer of the sum of one dollar and twenty-five cents per acre for such lands subject to the following limitations.

SEC. 39. No person shall be entitled to more than one pre-emption right under this act: no person who quits or abandons his residence or his own land in this state to reside on the said lands: no lands required for the use of the state in constructing the said improvement of the said rivers or returned by the board of works as a site for hydraulic or commercial purposes: no parcel or lot of land occupied for purposes of trade and not agriculture shall be liable to entry under the provisions of the last section.

SEC. 40. When two or more persons shall have settled on the same quarter section of land the rights of pre-emption shall be in him or her who made the first settlement provided such person shall have conformed to the provisions of this act.

SEC. 41. Whenever a person has settled or shall settle and improve any of said lands and shall intend to purchase the same under the provisions of this act such person shall in the first case within three months after the passage of this act and in the last within thirty days of the date of such settlement file with the register of the state land office a written statement under oath describing the land settled upon and declaring the intention of such person to claim the same under the provisions of this act, and shall make proof and payment before the day appointed by the board of works for the sale of lands.

SEC. 42. Any tract of land not exceeding one hundred and sixty acres having improvements by cultivation on the same to the amount of five

acres or on which a house or other improvements have been erected worth fifty dollars previous to the passage of this act shall be registered as improved or occupied lands and the claimant of said land shall have the right to purchase the same at one dollar and twenty five cents per acre: provided however, if any of said land registered shall be wanted for carrying on said work on account of material or by reason of including the termination of a canal or any lock dam waste water or basin or on account of flooding the same, said land shall be reserved and an equivalent amount of land may be selected by said claimant from some other of the appropriate lands not reserved as aforesaid, and on his application the lands so selected shall be registered in the same manner as if the same had been occupied or improved by such claimant: and said claimant shall be entitled to receive a just compensation for his improvement to be agreed upon by the person claiming the same and the commissioners or three disinterested persons to be chosen by the said parties.

SEC. 43. Whenever sales of any of said lands shall be made either by public or private sale in conformity with the provisions of this act it shall be the duty of the governor of the state to grant to the purchaser upon the certificate of the register a patent for the lands so sold which patent shall be under the seal of the state and countersigned by the secretary of state and shall vest in the purchaser his heirs and assigns an absolute estate in fee simple.

SEC. 44. All suits brought by the board for a violation of any rules or regulations made by them or for any infraction of the provisions of this act shall be brought in the name of the state and all sums received and collected shall become a part of the fund set apart for said improvement.

SEC. 45. The governor of this state is hereby invested with the general control and supervision of the whole work provided for in this act, and if, in his opinion the said board of works or either of them or the said treasurer are violating any of the provisions of this act or are misapplying any portion of the funds committed to their charge or are abusing any of the powers conferred on them or either of them he is hereby authorized to remove them or either of them from office and appoint others in their places, and the persons so appointed shall continue in office until the end of the session of the legislature next to be holden and until others are elected and qualified: and if in his opinion the moneys in the hands of the treasurer

not safe he may order the same to be transferred to the treasury of the state.

Sec. 46. The compensation of all the officers provided for by this act shall be paid quarter yearly out of the said fund.

Sec. 47. As soon as the selection of the lands appropriated by congress in aid of the improvements contemplated by this act shall be completed and a sale of any portion thereof shall be required the governor of the state shall appoint a register and treasurer who shall hold their offices until the end of the session of the legislature then next to be holden and thereafter the register and treasurer shall be appointed and hold their offices in the manner and for the term provided in this act.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.
NELSON DEWEY.

AN ACT to establish a Municipal Court of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby established in the city of Milwaukee a court of record to be known by the name of the municipal court of Milwaukee to consist of one judge who shall reside in the city of Milwaukee and who shall hold his office for the term of three years, and until his successor is elected and qualified and shall take a similar oath and be subject to removal for like causes and in the manner as judges of circuit courts of the state: said judge shall be elected by the qualified electors of the city of Milwaukee and the first election therefor shall be held on the first Monday of September eighteen hundred and forty eight and thereafter at such time

as may be prescribed by the common council of said city: provided: always that such election shall not be held at any general election for state county or city officers: The election for the said judge shall be conducted and returns thereof made in the same manner as other elections for city officers, and no person shall be eligible to the office of Judge of said court unless he shall be a qualified elector at such election.

Sec. 2. There shall be elected by the qualified electors of said city of Milwaukee, a clerk of the municipal court aforesaid at the same time and in the same manner as herein provided for the election of judge, and who shall hold his office for two years and until his successor shall be chosen and qualified, and he shall take the same or a similar oath that clerks of the circuit courts are required by law to take and shall also execute to the city of Milwaukee a bond in such penalty and with such sureties as may be approved by the mayor of said city conditioned for the faithful performance of the duties of his office.

Sec. 3. Said court shall be holden and the office of the clerk thereof kept in the same place in the city of Milwaukee to be provided by the common council of said city, and it shall hold four terms in each year, the time thereof to be fixed by the common council of said city, and the judge shall have power to hold special or adjourned terms as often as he may deem necessary for the dispatch of business, but no jury shall be summoned at such special or adjourned terms, and no grand jury shall be summoned except for each alternate term.

Sec. 4. Said court shall have concurrent jurisdiction in the city of Milwaukee with the circuit courts of all civil causes both in law and equity as well of all criminal proceedings or causes, except in capital cases; and in order to confer upon said municipal court the same power and authority for the complete exercise of its jurisdiction as is or may be conferred upon the circuit courts in the exercise of their jurisdiction it is declared that all laws conferring jurisdiction upon the circuit courts giving them power to hear and determine such cases appoint or remove their officers punish contempts regulating forms of process prescribing the duties of their offices and of sheriff and coroner allowing fees to such officers and providing for the collection thereof or requiring of such officers official oaths and bonds shall be held to extend to said municipal court and its officers as fully as they extend to said circuit courts and their officers; The judge herein provided for shall be a conservator of the peace in Milwaukee city

and as such shall in the recess or vacation of said court have the same power and authority as the judges of the circuit courts; and shall also have power to grant and determine writs of habeas corpus quo warranto mandamus, all other remedial writs that circuit courts are authorized to grant and determine, and also to exercise all such powers as the judges of the circuit courts at chambers are by law authorized to exercise.

SEC. 5. The supreme court shall have appellate jurisdiction to said municipal court and causes may be removed from that court to the supreme court by appeal writ of error or other process and remanded back and proceeded in, in the way provided by law for the exercise by that court of its appellate or supervisory jurisdiction over the circuit courts and the judges or their judgments or decrees.

SEC. 6. The process of said courts shall have the seal thereof affixed and be tested directed served and returned and be in form as is or may be provided for the process of the circuit courts, varying only in the style of the court and to conform to its terms; and any process issuing out of said court may be directed to the sheriff or coroner of Milwaukee county, the city marshal or any constable of said city, who are hereby authorized and directed to serve and execute said writs.

SEC. 7. The sheriff and coroner of the county of Milwaukee and the constables of the city of Milwaukee shall be bound to attend said court preserve order execute and return its process, as they are required to do in the circuit courts upon the order of said court in case the circuit court shall not be in session in said county and the fees of said officers shall be paid out of the treasury of the city of Milwaukee.

SEC. 8. The mayor of the city and the clerk of the common council shall annually select one hundred and fifty judicious and well informed persons in the city of Milwaukee (who have not been returned as jurors to the clerk of the circuit court) having the qualifications of electors to serve as grand and petit jurors, a list of whose names shall be deposited with the clerk of said municipal court, that said clerk shall write the names of the persons so selected upon separate pieces of paper and put them into a box to be by him provided at the expense of the city, and the said clerk shall at least fifteen days before each term of said court in the presence of the sheriff of the county of Milwaukee (the sheriff having first shaken the box so as to mix the ballots on which the names are written) proceed to draw forty seven ballots, the first twenty three of whom shall be summoned as

grand jurors, and the remaining twenty four as petit jurors and the clerk shall forthwith issue venires therefor; which shall be served and returned in the same manner as in the circuit courts: provided always, that a grand jury shall only be drawn for each alternate term and for the term in which the grand jury is not to be drawn, the first twenty four names drawn as aforesaid shall be summoned as petit jurors in the same manner as hereinbefore provided; and said court shall have power to issue special venires and to call tales jurors, and in reference thereto shall have the same power conferred by law upon the circuit courts, and said jurors summoned under this act shall be paid out of the city treasury.

SEC. 9. The judgments and decrees of said municipal court shall be liens upon the property of the judgment debtor in the manner and to the extent that judgments and decrees are in the circuit courts of the state and the laws regulating judgments and executions shall be considered as extending to said court, to the same extent they extend to the circuit courts.

SEC. 10. The common council of the city of Milwaukee shall provide a seal for said court with proper devices which shall be kept by the clerk of said municipal court.

SEC. 11. There shall be allowed and paid quarter yearly to the said judge a salary not exceeding fifteen hundred dollars from the city treasury.

SEC. 12. The clerk of said court shall receive no fees or perquisites from his office but in lieu thereof and as a compensation for his services shall receive such salary as may be fixed or provided for by the common council and to be paid out of the city treasury in quarterly payments which salary when fixed shall not be diminished during the term for which he is elected

SEC. 13. the rules of practice in said court shall conform so far as practicable to the rules adopted by the circuit courts.

SEC. 14. In all suits instituted in said court or brought thereto by appeal certiorari or otherwise from inferior courts, there shall be charged a docket fee of one dollar to be recovered against the losing party and taxed as other costs: which together with all the costs accruing excepting the costs of suitors shall be collected by the clerk of said court who shall as often as every month deposit the monies so collected with the treasurer of said city of Milwaukee taking his receipt therefor.

SEC. 15. The clerk of said court shall as often as required by the common council make out a just and true account of all costs collected and

deposited with the treasurer as aforesaid (and exhibit his vouchers there for) as well as of all sums due and unpaid and on his refusal to comply with such requirements the common council may remove him from office, and they may also remove him for incompetency or any other just cause always however giving him the benefit of a trial according to the usual course of trials for impeachments before their body.

SEC. 16. In case of the removal of the clerk of said court or of his death or inability to officiate, the judge thereof may appoint a temporary clerk from time to time as may be necessary for the dispatch of business.

SEC. 17. All recognizances in criminal cases taken before justices of the peace for the city of Milwaukee shall be made returnable to the term of the municipal court of the city of Milwaukee or the circuit court next to be holden in said county at which a grand jury is by law required to be summoned.

SEC. 18. All fines and penalties recovered in said court for the violation of any ordinance of the city of Milwaukee shall be paid into the city treasury.

SEC. 19. This act shall take effect immediately after its passage and publication.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

AN ACT to authorize Mary Cordelia McCoy to keep and maintain a Ferry across Fox river.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Mary Cordelia McCoy or her legally authorized agent her heirs executors administrators or assigns shall have exclusive right and privilege to keep and maintain for ten years a ferry across the Fox river on section seven (7) town sixteen (16) north of range twelve (12) east in Marquette county subject to such regulations as other ferries are or by law may be subject to fixing the rates of toll and the manner in which licensed ferries and shall be kept and attended to and no other ferry for the services of which fees are received shall be allowed within two miles of this ferry.

SEC. 2. This act may be amended or repealed by any future legislature of the state of Wisconsin.

N. E. WHITESIDE,
Speaker of the Assembly.
J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved. August 8, 1848.

NELSON DEWEY.

AN ACT to legalize the re-survey and alteration of the village of Waterford in the county of Racine.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. The plat of the village of Waterford in Racine county as

altered and enlarged by re-survey by Moses Vilas district surveyor April 24th 1845 and recorded in the office of the register of deeds of said county June 3d 1845 is hereby legalized.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 8, 1848.

NELSON DEWEY.

AN ACT to authorize the trustees of Mill school district number eleven Lancaster school town Grant county to levy a tax to build a school house.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall and may be lawful for the trustees of Mill school district number eleven Lancaster school town Grant county to levy a tax on the taxable property in said district to an amount not exceeding three hundred dollars to build a school house.

SEC. 2. The said tax shall be collected and returned in the same manner as is now provided by law for the collection of school taxes.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

AN ACT to legalize the assessment in the town of Utica in Winnebago county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment as made by the assessors of the town of Utica in the county of Winnebago for the year one thousand eight hundred and forty eight is hereby declared to be as valid as if the said assessment had been made on the first day of May last as required by law.

SEC. 2. This act shall take effect immediately after its passage.

N. F. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 8, 1848.

NELSON DEWEY.

AN ACT to authorize the trustees of school district number six in the town of Turtle Rock county to levy a tax to build a school house.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for the trustees of school district number six in the town of Turtle Rock county to levy a tax on real and personal property to the amount of two hundred and fifty dollars to build a school house: provided that a majority of the legal voters of said

district present at a meeting called for that purpose shall vote to levy such tax.

SEC. 2. The said tax shall be collected and returned in the same manner as is now provided by law for the collection of taxes for building school houses.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

AN ACT to amend an act entitled "an act to provide for the destruction of Wolves" approved March 7th 1848.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. All acts and parts of acts of this state that require authorize or empower any bounty to be paid for the destruction of wolves in the counties of Crawford and St. Croix and the counties thereto attached for judicial purposes are hereby repealed so far as said acts relate to the said counties.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 8, 1848.

NELSON DEWEY.

AN ACT to change the name of Aslock Olson to Alexander Norman.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of Aslock Olson of the town of Cottage Grove in Dane county is hereby changed to Alexander Norman by which name he shall and may be hereafter known in all places whatsoever.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

AN ACT to authorize the people of the county of Washington to take a vote on the permanent location of the seat of justice of said county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every white male inhabitant of the county of Washington above twenty one years of age is hereby authorized to cast his vote on the permanent location of the seat of justice of said county on the fourth Monday of September next as hereinafter specified.

SEC. 2. Every inhabitant as aforesaid shall be authorized to cast his vote in the town where he has resided for at least ten days preceding any

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election authorized by this act for such place or point as he may choose for such seat of justice: said vote shall be taken and returns thereof made to the clerk of the board of county supervisors of said county and canvassed in the same manner as provided for by law regulating general elections.

SEC. 3. If any one place or point shall receive a majority of all the votes cast, the clerk of supervisors as aforesaid shall send immediately a certified abstract of the vote thus taken to the secretary of state to be by him laid before the next legislature.

SEC. 4. If no place or point shall receive a majority as aforesaid it shall be the duty of the said clerk to make that fact known by posting up three notices in each town containing an abstract of the votes by him canvassed and a second vote shall be taken on the first Tuesday after the first Monday of November next at the several election places, and the vote thus taken shall be on the three places or points having received the highest number of votes at the previous election; and the returns thereof made as hereinbefore provided.

SEC. 5. If no place or point shall receive a majority over the other two places or points said fact shall be made known and proclaimed as before mentioned, and a third and final vote shall be taken on the first Monday of January next at the several election places, and the vote thus taken shall be on the two places having received the highest number of votes at the last election, and the clerk of the board after canvassing said vote shall immediately send an abstract as before mentioned to the secretary of state to be by him laid before the legislature.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 8, 1848.

NELSON DEWEY.

AN ACT to authorize, the inhabitants of joint school district number seven in the towns of Sullivan and Palmyra Jefferson county to raise a tax to build a school house.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of joint school district number seven of the towns of Sullivan and Palmyra in the county of Jefferson are hereby authorized to levy and collect a tax of one hundred and eighty dollars for the purpose of building a school house in said district in pursuance of a vote of said district heretofore had to that effect.

Sec. 2. Said tax shall be levied upon the taxable property in said district on the first day of May last and the valuation thereof shall be taken from the assessment rolls as then made by the assessors of said towns respectively, and the warrant for the collection of the same shall be placed in the hands of the district collector within sixty days after the passage of this act and shall be collected and returns made as is provided by law.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 8, 1848.

NELSON DEWEY.

AN ACT to Incorporate the City of Racine in the county of Racine.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

Sec. 1. The district of country included within the following limits and boundaries in township numbered three of range numbered twenty-three east in the county of Racine and state of Wisconsin to wit: fractional sections numbered nine and sixteen in said township and range, is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic by the name and style of "The City of Racine" and by that name shall be capable of contracting and being contracted with of suing and being sued pleading and being impeded, answering and being answered unto in all courts and places and in all matters whatsoever with power of purchasing receiving holding occupying and conveying real and personal estate, and shall have a common seal and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation

Sec. 2. The said city until the city council see fit to increase alter or change the same shall be divided into five wards in the manner following to wit: All that part of said district of country comprised in the limits described in the first section of this act which lies east and south of the centre of Root river and north of the centre of seventh street and east of the centre of Chippewa street shall be the first ward: all that part of said district which lies south of the centre of seventh street, and east of the centre of Barnstable street shall be the second ward; all the remainder of said district which lies south of the centre of Root river shall be the third ward; all that part of said district which lies north of the centre of Root river and north and east of the following bounds to wit: beginning at a point in the centre of Root river where it is intersected by the quarter section line running east and west on the south line of the north west quarter of said section numbered nine, thence west along said quarter section line to the south east corner of

block numbered twenty-five in Wright's addition, thence due north to the north line of said section numbered nine, shall be the fourth ward; all the remainder of said district which lies west and north of the centre of Root river shall be the fifth ward.

SEC. 3. The government of said city and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns shall be vested in a mayor and council which council shall consist of two aldermen chosen from each ward actually residing therein, and shall be denominated the "City Council"; and also such other officers as are hereinafter provided for.

SEC. 4. The elective officers of said city shall be the mayor and city council, one marshal, one treasurer, one city clerk, one chief engineer of the fire department, and one assessor for each ward; to be elected by the qualified voters thereof at the annual election of said city to be held in each ward on the second Monday of April in each year, and shall hold their respective offices for one year and until their successors are chosen and qualified.

SEC. 5. All qualified electors for members of the legislature of this state who have resided within the bounds of said city six months, and in the ward where he may offer his vote twenty days next preceding such election shall be deemed qualified voters of said city, and shall be entitled to vote in the ward in which they respectively reside for any officer in the city required by this act to be elected by the qualified voters of said city, and in all elections for city officers, after the organization of said city government under this act, the mayor shall issue his proclamation to the qualified voters of said city setting forth the time of such election, the place or places where the same is to be held in the several wards, and the several officers to be chosen; and said proclamation shall be published in one or more newspapers printed or in general circulation in said city at least ten days previous to said election; and after the organization of the city government under this act it shall be the duty of the city council to provide the place or places of holding all elections in said city for city officers, the hours of the day the same shall continue open to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said elections as may be lawful and convenient for the citizens of the sev-

eral wards; and the person or persons having the highest number of votes shall be declared to be duly elected: Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by any elector, the judges of election or some one of them before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act and that he has not voted at such election: If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false he shall be deemed guilty of wilful and corrupt perjury and on conviction thereof shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury: If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he may reside, or shall vote more than once at any one election he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars to be recovered in the same manner as other penalties are recovered under this act, and if any judge of election shall knowingly and corruptly receive the vote of any person not duly qualified to vote, such judge shall be liable to indictment, and on conviction thereof shall forfeit and pay for the use of the city, a sum not exceeding five hundred dollars nor less than one hundred dollars.

SEC. 6. At the first election the electors in their respective wards shall vote for one mayor of the city, two aldermen of the ward wherein such elector may vote, one marshal, one treasurer, one clerk, one assessor for the ward wherein such elector may reside and one chief engineer of the fire department; and annually thereafter the electors at their respective ward elections shall vote for one mayor, two aldermen for the ward wherein such elector may vote, one marshal one treasurer and one clerk.

SEC. 7. The board of trustees of the village of Racine shall determine who shall have been properly elected at the first election; and the president of the board of trustees of said village shall administer the oath of office to the first mayor and each mayor shall administer the oath of office to the several aldermen who have been declared to be duly elected, and also to all other officers in said city: all subsequent elections shall be determined on by the mayor and city council; and the new mayor in every case may be sworn into office by the mayor, treasurer or clerk and he shall administer the oath.

(of) office to all newly elected aldermen and officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot in the presence and under the direction of the mayor and city council.

Sec. 8. The mayor shall be the chief executive officer and head of the police of the city; it shall be his duty, to recommend in writing to the city council such measures as he may deem expedient, he shall keep the seal of said city, sign all commissions licenses and permits which may be granted by the city council he shall maintain peace and good order and see that the laws the state and ordinances of the city are observed and executed; he shall have power to administer oaths or affirmations and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer he shall have concurrent original jurisdiction with justices of the peace of the county of Racine of all cases for the violation of any ordinance of said city; and when presiding at the meetings of the city council he shall have a casting vote when the votes of the members are equal.

Sec. 9. The members of the city council shall on the second Monday after each annual election assemble at their council chamber or some other suitable place in said city and elect from their own body a president to preside in their meetings in the absence of the mayor; and a majority of all the members shall be a quorum for the transaction of business, each member shall be entitled to one vote: The mayor shall preside in city council and shall have a casting vote and no other therein; In case of the vacancy of the office of mayor or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the president of the city council shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy be filled by a new election, and in case of absence or inability of both the mayor and president of the city council a president pro tem. shall be elected and for the time being shall discharge the duties of mayor.

Sec. 10. The city council shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner by fine and imprisonment all disorderly or disrespectful conduct in its presence, and also to compel by pecuniary penalties the attendance of its members: the city council shall determine the rules of their proceedings, and keep a journal thereof which shall be open to the inspection of every citizen at all reasonable times and hours and prescribe the time and fix the place of holding their meetings which shall at all times be open to the public; and

said city council may adopt any by-laws for their own government not inconsistent with the provisions of this act.

SEC. 11. The mayor or acting mayor each and every alderman marshal deputy marshal watchman, each and every justice of the peace and constable of the town of Racine shall be officers of the peace and may command the peace and suppress in a summary manner all rioting and disorderly behavior in a manner consistent with the ordinances of said city within the limits thereof, and for such purposes may command the assistance of all bystanders and if need be of all citizens and military companies; and if any person, bystander military officer or private of such company shall refuse to aid in maintaining the peace when so required every such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council in such case provided: and in all cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SEC. 12. The marshal shall possess all the powers, and enjoy all of the rights of a constable of the town of Racine and be subject to the same liabilities it shall be his duty to execute and return all writs and process to him directed by the mayor, and when necessary in criminal cases or for the violation of any ordinance of said city he may serve the same in any part of the state of Wisconsin: it shall be his duty to suppress all riots disturbances and breaches of the peace to apprehend all disorderly persons in said city and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin to apprehend any person in the act of committing any offence against the laws of this state or ordinances of the city, and forthwith to bring such persons before competent authority for examination and for such services he shall receive like fees as is allowed to constables for like services, he shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city and he shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of the duties: said marshal shall execute and file with the clerk a bond for the faithful performance of his duty to be approved by the city council.

SEC. 13. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance of

said city: all monies raised received recovered and collected by means of any tax license penalty fine forfeiture or otherwise under the authority of this act or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by a written order signed by the mayor or acting mayor by order of the city council and countersigned by the city clerk who shall keep a copy thereof: such order shall specify the amount of money to be drawn and the object of the appropriation, he shall keep a just and accurate account of moneys and other things coming into his hands as treasurer in a book to be provided by the city council for that purpose which shall remain the property of said city wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose which said books shall at all reasonable times be open to the inspection of the electors of said city: he shall as often as the city council require, render to said council a minute account of his receipts and payments, and at the expiration of his office he shall hand over to his successor all moneys books and vouchers in his possession belonging to said city, he shall before he enters upon the duties of his office execute to the city a bond for the faithful discharge of his duties to be approved by the city council, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Sec. 14. The clerk shall attend the meetings of the city council, he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the city council and the city council shall fix and prescribe his compensation therefor.

Sec. 15. The city council shall have power to enact establish publish enforce, alter modify amend or repeal all such ordinances rules and by laws for the government and good order of the city for the suppression of vice for the prevention of fires and for the benefit of trade and commerce and for the health thereof as they may deem expedient declaring and imposing penalties and to enforce the same against any person who may violate any of the provisions of such ordinances rules or by-laws; and such ordinances rules or by laws are hereby declared to be and to have the force of law: provided, that they be not repugnant to the constitution and laws of the United States or of this state and for those purposes shall have authority by ordinance or by-laws: 1st. To establish rates for and license and regulate taverns groceries and victualling houses, and all persons retailing or

dealing in spirituous vinous or fermented liquors, and to license and regulate the exhibitions of common showmen or shews of any kind or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances under the ordinances or at common law; 2nd. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices and all playing of cards dice or other games of chance for the purpose of gaming in said city: 3rd. To prevent any riots noise disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries houses of ill fame, billiard tables nine or ten pin alleys or tables, shows and exhibitions and to authorize the destruction of all instruments or devices used for the purposes of gaming: 4th. To compel the owner or occupant of any grocery cellar, tallow chandlers shop soap factory tannery stable barn privy sewer or other unwholesome or nauseous houses or places to cleanse remove or abate the same from time to time as often as it may be deemed necessary for the health comfort and convenience of the inhabitants of the city: 5th. To direct the location and management of all slaughter houses and markets, to establish rates for and license vendors of gun powder, and regulate the storage and keeping and conveying of gunpowder or other combustible materials: 6th. To prevent the encumbering of the streets side walks lanes alleys or public grounds with carriages carts waggons sleighs sleds boxes lumber fire wood or other materials or substance whatever: 7th. To prevent horse racing immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city: 8th. To restrain the running at large of cattle swine sheep horses poultry and geese and to authorize the distraining and sale of the same: 9th. To prevent the running at large of dogs and to authorize their destruction in a summary manner when at large contrary to the ordinances or to impose a tax on the same: 10th. To prevent any person from bringing depositing or having within said city any putrid carcases or any unwholesome substance and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unseasoned beef pork fish hides or skins of any kind and in default to authorize the removal thereof by some competent officer at the expense of such person or persons: 11th. To make and establish public ponds pumps wells cisterns and reservoirs and to provide for the creation of waterworks for the supply of water to the inhabitants of said city or any ward therein, to erect lamps and regulate and license hack

cabs drays carts, and the charges of hankmen cabmen and draymen within the limits of the city: 12th, To establish and regulate boards of health, provide hospitals and cemetery grounds; regulate the burial of the dead and the return of the bill of mortality, and to exempt burying grounds and grounds set apart for the public use from taxation: 13th, To regulate the procuring of fire buckets, and the purchase of fire engines, to prescribe and regulate the materials of which houses may be built within the fire limits, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous and to require and provide for the building of new chimneys when deemed necessary at the expense of the owners or occupants of buildings when the same may be required, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be exempt from seizure or distress or sale in any manner and if the owner refuse or neglect to procure suitable ladders or fire buckets after reasonable notice, the city council may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against said owner, and be entitled to recover in such action the value of such ladders fire buckets or both with costs of suit; to direct the safe construction for the deposit of ashes to appoint fire wardens and prescribe their duties to regulate the manner of putting up stoves and stove pipe to compel the owners or occupants of houses or buildings to have scuttles on the roofs of said houses and buildings; and for the purpose of arresting the progress of any fire the mayor and council or any three members thereof may direct any building or buildings to be torn down removed or blown up with gun powder, and any building so destroyed shall be paid for by the corporation; and to establish such other measures of prudence for the prevention or extinguishment of fires as the said city council shall deem proper: 14th, To establish fire limits: 15th, To regulate the building of wharves and bridges and provide for the security and protection of the same: 16th, To prevent all persons riding or driving any horse ox mule or cattle other animal on the side walks in said city, or in any way doing any damage to such side walks: 17th, To prevent the shooting of fire arms or crackers, except by special permission of the city council, and to prevent the exhibition of any fireworks, in every situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any citizen thereof: 18th, To restrain drunkards immoderate drinking or obscenity in the streets or public places

and provide for arresting removing and punishing any person or persons who may be guilty of the same: 14th, To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies: 20th, To establish public markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations: 21st: To regulate the place and manner of weighing and selling hay, of measuring and selling of fuel and lime, and appoint suitable persons to superintend and conduct the same: 22d, To compel the owner or occupant of any building or ground to remove the snow dirt or rubbish from the side walk street or alley opposite thereto and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct and in his default to authorize the removal or destruction thereof by some suitable officer at the expense of such owner or occupant: 23d, To protect trees and monuments in said city: 24th, To provide for the clearing out of Root river of drift wood and other obstructions and to prevent encroachments of any kind thereon within said city, to appoint a harbor master and prescribe his duties.

Sec. 16. In all cases in relation to which by the provisions of this act the city council have power to enact or pass ordinances or by-laws in relation to any subject they may prescribe any penalty for the violation of such ordinance or by-law not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non observance the offender may be imprisoned for such term as they may by such ordinance direct not exceeding forty days, for which purpose the said city shall have the use of the jail of Racine county for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer shall be under the charge of the sheriff of said county.

Sec. 17. On all suits for the violation of any ordinance of the city the process may be by warrant; and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought: the defendant may plead the general issue and give the special matter in evidence; and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the

city council shall be prima facie evidence of the passage and publication of such ordinance.

Sec. 18. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said city shall contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided by the ordinance under which the judgment shall have been rendered: all fines penalties and forfeiture when collected shall be paid into the city treasury for the use of the city.

Sec. 19. Any ordinance regulation rule or by-law imposing any penalty or forfeiture for the violation of its provisions shall be published one week in some newspaper printed in said city before the same shall be in force, and proof of such publication by the affidavit of the printer or foreman in the office of the newspaper where such publication may have been made shall be the conclusive evidence of the publication and promulgation of such ordinance regulation rule or by-law in all courts and places.

Sec. 20. No person shall be an incompetent judge justice witness or juror by reason of his being an inhabitant of said city in any action or proceeding in which said city is a party or interested.

Sec. 21. When any action or suit shall be commenced against said city, the service thereof may be made by leaving a copy of the process attested by the proper officer with the mayor or clerk and it shall be the duty of the mayor or clerk on whom such process may have been served forthwith to inform the city council thereof or take such other proceeding as by ordinance of said council may have been in such case provided.

Sec. 22. No member of the city council shall be a party to or interested in any contract or job with the city and any contract in which any member of the city council may be so interested notwithstanding this prohibition shall be null and void and of no force against said city as a party thereto.

Sec. 23. The city council shall settle all claims and demands against the city, settle with the treasurer annually and make out and publish accounts of the receipts and expenditures of said city annually for the information of the citizens.

Sec. 24. The city council shall have power to appoint and at their pleasure to remove by a vote of a majority of the board present and acting the following officers and such others as may be deemed necessary to car-

ry out the powers conferred by this act on said municipal corporation viz: five fire wardens, and as many assistant wardens as the said city council may from time to time deem expedient; one sealer of weights and measures, one or more surveyors and so many measurers of fuel grain lime and other marketable articles, weighers of hay, pound masters sextons and keepers of the burial grounds, inspectors of streets, street commissioners an inspector of lumber and harbor masters as the city council may from time to time deem expedient and prescribe their duties and compensation and to impose and enforce in law such penalties as to the said city council may seem proper for any misdemeanor or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by said city council.

SEC. 25. If any election provided for in this act shall for any cause not be held at the time prescribed it shall not be considered a sufficient reason for arresting suspending or absolving the said corporation, but such election may be held at any time thereafter by order of the city council of which time ten days public notice shall be given, and further if any of the duties enjoined by this act at a time herein specified or specified by any ordinance of said city are not then done, the city council may appoint another time upon which the said duties may be done: provided that the officer so failing to execute such duties at the time required shall be liable to the same actions fines and penalties as he would be liable to if the said council had not the power to appoint another time.

SEC. 26. Whenever the office of any person elected under the provisions of this act by the qualified voters of the city or any ward thereof shall become vacant by reason of the death resignation removal refusal or neglect to qualify or for any cause whatever, the same may be filled by special election to be held at such time and place as may be designated by the mayor or acting mayor and city council, and the person or persons so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected.

SEC. 27. All officers elected or appointed under the provisions of this act shall within four days after the said election or appointment and before entering upon the duties of their respective offices take an oath or affirmation faithfully and impartially to discharge the duties of their offices to which such persons may respectively be elected or appointed; and in all

cases not in this act provided for shall require such fees and compensation for their services and be liable to such fines, penalties and forfeitures for negligence, carelessness, misconduct in office and positive violations of duty as the city council shall by ordinance order and determine: provided that the said city council shall not have power to vote any pay or compensation for the members thereof or for the mayor, except as herein provided for.

SEC. 28. The city council shall have power to authorize the formation of fire engine hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time and prohibit their meetings as such when disbanded; which companies shall be officered and governed by their own by-laws: provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city; and shall be formed only by voluntary enlistment: every member of each company in said city shall be exempt from serving on juries and from poll work and military duty, except in case of war invasion or insurrection, and whenever a member of a fire hook and ladder and hose company shall have served therein seven years he shall be entitled to a discharge signed by the mayor and shall thereafter be exempt as aforesaid.

SEC. 29. The said city council shall have power to pass ordinances imposing penalties against the owners and masters of vessels or the vessels themselves for any wilful and malicious injuries done by their vessels or vessel to any of the bridges or public docks and to enforce the same in an action of debt and by imprisonment as in the case of other ordinances, and for every such injury said vessel or craft shall be liable in an action by warrant in the name of the city for all such damage and injury to be enforced according to the provisions of "an act to provide for the collection of demands against boats and vessels" in the Revised Statutes.

SEC. 30. The mayor of said city is hereby declared to be ex-officio supervisor and as such is hereby empowered to meet with and act in the county board of supervisors in the same manner, and with the same rights and powers as is or may by law be prescribed and exercised by other members of said county board. In case of the absence or inability to act of the mayor then the city council shall select from their own number one member to meet with and act in the said county board.

SEC. 31. The said city council shall have power and authority to lay out new highways streets alleys and public walks, and to vacate such high-

ways streets alleys and public walks as in their opinion shall not be of public utility to regulate grade pave and improve streets avenues lanes and alleys and to extend open and widen the same and if any person shall claim damages by reason of the laying out of or vacating changing or altering thereof, and shall file his notice of such claim in writing with the clerk within ten days after the order for laying out vacating or altering shall have been made by the city council, the city council shall cause the damage if any over and above the benefit accruing thereby to such claimant to be assessed by a jury as herein provided.

Sec. 2. The said city council shall at the expiration of ten days after the making and entering of any order for the opening and laying out extending or vacating any highway street alley or public walk, cause to be summoned six good and lawful freeholders inhabitants of said city (and not directly interested) who being first duly sworn for that purpose shall take into consideration the necessity of the laying out opening and extending such street: the said jury shall also take into consideration as well the benefit as the injury which may accrue and estimate and assess the damage which would be sustained by reason of the laying out opening extending or widening of any street avenue alley or public walk as aforesaid, and shall moreover estimate the amount which other property shall be benefitted thereby, all of which shall be within six days returned to the city council under their hands and seals and the property so benefitted and assessed shall be liable for the payment of the same, and the same shall be a lien in such property and be collected in the same manner as annual taxes are collected and payable and the residue if any shall be paid out of the city treasury on account of the ward where such improvement shall be made.

Sec. 33. The city council shall have power to cause to be graded gravelled and paved the side walks on any street or part of a street within said city and to levy and collect a special tax on the lots and land bounding and abutting on such street or side walk or near thereto, in proportion to the fronts or size of such lots respectively for the purpose of defraying the cost of the same in addition to the ordinary tax authorized by this act to be levied and collected in the same manner as annual taxes are collected and it shall be the duty of the city council to provide by ordinance for the assessing correction and equalization of such special tax: and the property so assessed shall be liable for the payment of the same; and in case any tax mentioned in this and the preceding section shall be returned delinquent,

the proceedings for the sale of the lots or land so returned shall in all respects be the same as in cases of delinquency in the payment of the annual city taxes with the addition of like interest cost and penalty.

Sec. 34. The said city council shall have power to cause the streets highways lanes alleys, commons and market places of said city to be kept in repair and may cause the same to be graded and otherwise improved as the interest of the city may require, and shall have exclusive power of appointing street supervisors within the limits of said city, and prescribing their several duties, and the city council shall have power to cause the public streets lanes alleys highways and public grounds that now exist within the limits of said city to be surveyed described and permanently marked on a plat thereof to be recorded by the clerk in a book to be kept by him for that purpose, in which book shall also be recorded a plat of any new street lane or alley which may hereafter be established by the city council under the provisions of this act and also any change or alterations in any of the streets lanes or alleys and such survey and record shall be thereafter conclusive evidence of the position and limits of such street lane alley or highway.

Sec. 35. There shall be two days work performed annually on highways streets and alleys by each male person who by the laws of the state is subject to perform highway work such person to perform such labor within the ward where he resides under the direction of such street commissioners or supervisors as the city council may appoint, but any such person may at his option pay at a rate of seventy-five cents per day for every day he may be so bound to labor and in default of the payment of such money or the performance of such labor the street commissioners or supervisors may sue for and collect such money by an action of debt in the name of the city of Racine with twenty-five per cent damages on the same together with cost of suit before the mayor of the city or any justice of the peace and in all such cases the process shall be by warrant and no stay of execution upon any judgment rendered on such suit shall be taken or allowed.

Sec. 36. The said city council shall not borrow any money on the credit of the corporation nor shall the credit of the city be given or loaned to aid any individual corporation or association.

Sec. 37. For the discharge of any debt against said city or expenditure authorized by the city council under the provisions of this act or ordinances of said city or to defray the current expenses of said city, the city

council shall have power to levy and collect hereof a tax on all such real and personal property or capital of any kind within said city subject to taxation by the laws for levying the taxes of this state for the time being.

Sec. 38. It shall be the duty of each assessor to make out in the month of May annually a list of all taxable property within the ward for which he was appointed with such a clear and definite description, that the property and owner thereof may be known as nearly as practicable and shall set opposite to each lot or part of a lot or piece of land or other article or commodity in such list contained, the actual cash value thereof, as nearly as the said assessor can determine, and if the name of the person owning the lot or liable for the tax is unknown, the fact shall be stated by writing "unknown owner" in place of the name, and said assessment roll shall be returned in the month of May to the clerk with an affidavit of the assessor that the assessment roll comprises all the real and personal property liable to taxation in the ward for which he was elected.

Sec. 39. It shall be the duty of the clerk annually upon the receipt of the assessment roll as aforesaid to lay the same before the city council for their consideration and the said city council shall be a board of equalization to consider the valuation of the property in the several lists of assessments and if deemed necessary make such amendments corrections and alterations as to them may seem proper and necessary to produce equality of assessment agreeable to the true value of property comparatively in the several wards: the said city council on or before the first Monday of July annually shall levy upon the whole amount of such assessment as corrected and equalized such a percentage as by a vote of a majority of all the members of the city council shall be deemed necessary for the several purposes hereinbefore mentioned; it shall be the duty of the clerk under the direction of the city council to make out in accordance with such determination a schedule of all the property in each ward separately as contained in said assessment roll annexing to each lot or other item of property in separate columns, the amount of tax which will be chargeable on the same which schedule shall be called the tax list and shall be recorded by said clerk for each ward separately in a book to be by him kept for that purpose and said tax list or the record thereof shall either of them be conclusive evidence of the amount of taxes assessed for the current year, in which the same shall be made out.

Sec. 40. It shall be the duty of the clerk to complete the tax lists of

cash must within such time as may be prescribed by the city council, and deliver the same to the treasurer of the city together with the warrant of said city council for collecting the same and make a record of such delivery in a book where such lists shall be recorded or in a book containing the proceedings of the city council which record shall be conclusive evidence of such delivery and the tax so assessed on real estate shall be a lien in preference to any other lien on estate so taxed until the same shall be paid or satisfied together with all costs and charges which may accrue thereon agreeably to law.

Sec. 41. Upon receipt of the tax lists as aforesaid it shall be the duty of the treasurer of said city (who shall be the collector for all the wards) to give public notice in some newspaper printed in said city that such tax lists have been committed to him for the purpose of collecting the taxes thereon and that he will receive payment of taxes at his office in said city until the last day of December then next ensuing and said notice shall also state the time and place when and where he will sell all lots and lands in said lists contained upon which the taxes remain unpaid at such time or so much thereof as will pay and satisfy all taxes which may be assessed thereon together with all costs and other liabilities which shall accrue according to law by advertisement and sale and said notice shall be published six successive weeks in some newspaper in said city between the last day of September and the last day of December in the year of said notice.

Sec. 42. In case the tax on any real estate in said tax lists contained shall remain unpaid after the last day of the December next ensuing the publication of said notice, the treasurer shall on the second Monday of January next ensuing commence the sale of said real estate and continue the same from day to day until so much thereof shall be sold as will pay the taxes interest and charges due assessed and charged thereon agreeably to this act, and the treasurer shall give to the purchaser or purchasers of any such real estate a certificate describing the particular lots or land by him or them purchased stating the sum paid therefor, and the time when the purchaser will be entitled to a deed for the same lots or lands, and if the person claiming the title to said lots or lands shall not within two years from the date thereof pay to the treasurer for the use of the purchaser his heirs or assigns the sum mentioned in said certificate together with the interest thereon at the rate of twenty-five per centum per annum from the date of such sale

there then it shall be the duty of the treasurer of the city for one year
 being after the expiration of said two years to execute to the purchaser
 his heirs or assigns on presentation of such certificate, a conveyance by
 deed of the lot or land so sold, which conveyance shall vest in the person
 to whom it shall be given an absolute estate in fee simple, and the said con-
 veyance shall be prima facie evidence that the sale and all the proceedings
 in levying the taxes advertising the same and making such sale were regu-
 lar according to the provisions of this act, and every such conveyance
 shall be executed by the treasurer, under his hand and the seal of the city
 in the name and behalf of the city of Racine; and may be given in evidence
 and recorded in the same manner and with like effect as a deed regularly
 acknowledged by the grantor may be given in evidence and recorded:
 Provided, that in cases of assessment of taxes in gross upon any lot or piece
 of land the treasurer upon the application of any claimant or owner of a
 part thereof either divided or undivided shall receive the taxes on such
 part either in payment or redemption with the interest and charges there-
 on proportionate to the quantity of such lot or tract so claimed or owned
 and the remainder of such taxes interest and charges shall be a lien only
 on the remainder of such lot or piece of land: The treasurer is hereby au-
 thorized to give certificates of redemption and to execute the deeds in the
 manner herein specified for all lands sold for taxes levied by the trustees of
 the village of Racine as heretofore incorporated and such deeds or certifi-
 cates shall have the same force and effect as deeds and certificates given for
 sale by such treasurer.

Sec. 43. If any person holding the certificate of purchase of any lot
 or piece of land in pursuance of this act shall pay any tax levied subsequent
 to the purchase of such lot or piece of land the owner or other claimant
 who may redeem such lot or piece of land, shall pay the amount of such
 tax with interest at the rate of twenty-five per centum per annum from
 the date of such payment for the benefit of such holder of the certificate.

Sec. 44. Taxes upon real estate shall be a lien upon the estate taxed
 and it shall be the duty of the treasurer upon receiving the tax lists and
 warrants immediately to proceed to the collection of the same.

Sec. 45. In case any person shall neglect to pay any tax assessed on
 personal property after the publication of the notice herein mentioned
 the treasurer shall proceed to levy the same by distress and sale of the
 goods and chattels of the person who ought to pay the same or of any goods

and chattels therein his possession within the city of Racine no claim of property to be made thereto by any other person shall be available to prevent a sale.

Sec. 46. The treasurer shall give public notice of the time and place of the sale with a description of the property to be sold at least ten days previous by advertisement in some newspaper and to be posted up in three public places in the city of Racine, and the sale shall be by public auction.

Sec. 47. If the property distrained shall be sold for more than the amount of the tax and legal charge thereon, the surplus shall be returned to the person in whose possession said property was found when the distress was made or to the person for whose tax the same was distrained as the case may be.

Sec. 48. In case any person upon whom personal property shall be assessed shall have removed out of the city of Racine after such assessments and before such tax ought by this act to have been collected it shall be lawful for the treasurer to levy and collect such tax by distress on the goods and chattels of the person so assessed in any town within the county of Racine to which said goods shall have been removed or to which he may reside.

Sec. 49. Any person who shall resist any levy made by the treasurer for the payment of any taxes as aforesaid shall be dealt with in the same manner as is or may be provided by law for resisting process in the hands of the sheriff or constables.

Sec. 50. Six months previous to the time limited by this act for redeeming lots or lands sold for taxes, it shall be the duty of the treasurer of said city to publish at least twelve weeks successively in some newspaper or newspapers printed in said city a list of all unredeemed lots or lands describing each lot or piece of land or any part thereof as the same was assessed and sold together with a notice to all interested therein of the time when the same will become forfeited and the city council shall fix and determine the amount which shall be paid for printing such advertisements and for other expenses consequent thereon and direct the clerk to add the expense so fixed and determined to the tax which may be levied on each of said lots for the year (or the year succeeding) in which such advertisement shall be made, and such additional tax shall be collected and paid into the treasury at the same time and in the same manner as the general tax on

said lots or lands for the same year are returned to be paid agreeably to the provisions of this act.

Sec 51. It shall be lawful for the treasurer to demand and receive the following fees viz: For each certificate of sale to be given to a purchaser at any tax sale of any lot or piece of land or part thereof ten cents for each certificate of redemption of any lot or piece of land or part thereof, for a single piece of land ten cents, and five cents for every additional lot or piece described in such certificate to be paid by the person or persons redeeming the same: A percent on all moneys he shall receive and pay to wit: one half of such commission for receiving and the other half for paying out: Provided, that said commissions shall not exceed four per centum in any year.

Sec. 52. On all questions before the city council on the passage of ordinances rules by-laws regulations of any kind touching the police health peace and good order of the city levying assessing or equalizing taxes appointment of officers and all questions of a general nature, a majority of the members present and acting at any board shall determine the question; and all ordinances rules by-laws and regulations passed under this act as aforesaid shall be signed by the mayor or presiding officer of the city council and clerk.

Sec. 53. The said city of Racine shall have power to hold real or personal estate and may sell and convey the same at pleasure and shall have the custody and control of all real and personal estate and other corporate property belonging to said city.

Sec. 54. The said city of Racine shall be and is hereby invested as the lawful owner and proprietor of all the real and personal estate and all the rights and privileges thereof belonging to the corporation of the village of Racine together with all the property funds and revenues and all moneys debts and demands due and owing to said village of Racine as a corporate body which by or under any former acts ordinances grants donations gifts or purchases have been acquired vested or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits pending or judgments recovered by or in favor of or against said village of Racine or the trustees thereof, and all rights claims and demands in favor of or against the same may be continued prosecuted completed defended and collected in the same manner as though this act had ~~not~~ been passed.

Sec. 55. The president, trustees and all other officers of the village of Racine now in office shall remain in their respective offices and perform the several duties thereof until the mayor and city council are elected under this act. The clerk and treasurer of the village of Racine shall transfer all the books papers and moneys which may be in their hands to the clerk and treasurer who may be elected agreeably to this act and all laws ordinances and resolutions passed and adopted by the trustees of the village of Racine shall remain in full force until altered or repealed by the city council established under this act.

Sec. 56. The President of the village of Racine shall designate some time in the month of October in the year of our Lord one thousand eight hundred and forty eight for holding the first election and shall appoint three suitable persons in each ward of said city to be judges of the first election under the provisions of this act, and also two suitable persons to be clerks thereof in each ward, and shall notify the several persons so appointed and shall publish a notice in one or more of the newspapers in said city at least ten days previous to the said election designating the several places for holding the same and to procure a suitable place in each ward for holding said election which said first election shall be opened between the hours of eight and ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon: said election shall be conducted agreeably to the provisions of this act, and it shall be the duty of the judges of said election in the several wards within three days thereafter to make and direct the returns thereof to the clerk of the village of Racine; and the said clerk shall lay the same before the trustees of said village at their meeting next ensuing such election and it shall be the duty of said trustees within three days (Sundays excepted) after such returns shall have been received to make an abstract thereof and immediately notify in writing the persons elected as aforesaid of their several elections under this act.

Sec. 57. This act may be altered amended or repealed by the legislature and the act entitled "An act to incorporate the village of Racine" approved February 13th 1841, and the several acts amendatory thereto, and all acts and parts of acts inconsistent with this act shall be and the same are hereby repealed such repeal to take effect at the time when this act becomes operative.

Sec. 26. This act shall be in full force and effect from the date of its passage in all courts and places.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

AN ACT to authorize school district number twelve in Marquette county to levy a tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number twelve in Marquette county is hereby authorized to levy and collect a tax not exceeding two hundred dollars on the taxable property of said district for the purpose of building a school house in the said district and the said tax shall be levied and collected as is now provided by law for the collection of taxes to build school houses in the several school districts under the county system of government in this state.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

AN ACT to change the name of the town of Seven Mile Creek in Fond du Lac county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the town of Seven Mile Creek in the county of Fond du Lac is hereby changed to Lamartine and by that name the said town shall be hereafter known and designated.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 8, 1846.

NELSON DEWEY,

AN ACT to exempt from forced sale on final process the property therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No property hereinafter mentioned or represented shall be liable to attachment execution or sale on any final process issued from any court of this state: first the family bible: second, family pictures, school books or library: third, a seat or pew in any house or place of public worship: fourth, the rites of the burial of the dead: fifth, all wearing apparel of the debtor and his family; all beds bedsteads and bedding kept and used for the debtor and his family; all stoves and appendages put up or kept &c

the use of the debtor and his family; all cooking utensils and all other household furniture not herein enumerated not exceeding two hundred dollars in value.

Sec. 2. Two cows, ten swine, one yoke of oxen and one horse, or in lieu of one yoke of oxen and a horse a span of horses, ten sheep and the wool from the same, either in the raw material or manufactured into yarn or cloth; the necessary food for all the stock mentioned in this section for one year's support either provided or growing or both as the debtor may choose; also one waggon, cart or dray, one sleigh one plough, one drag, and other farming utensils including tackle for teams, not exceeding fifty dollars in value.

Sec. 3. The provisions for the debtor and his family necessary for one year's support, either provided or growing or both and fuel necessary for one year.

Sec. 4. The tools and implements or stock in trade of any mechanic or miner and other person used and kept for the purposes of carrying on his trade or business not exceeding two hundred dollars in value: the library and implements of any professional man not exceeding two hundred dollars in value: all of which articles heretofore intended to be exempt shall be chosen by the debtor his agent servant clerk or legal representatives as the case may be.

Sec. 5. So much of any law now in force as exempts personal property from forced sale on final process is hereby repealed.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 10, 1898.

NELSON DEWEY.

AN ACT additional to an act to incorporate the city of Milwaukee approved January 31st, 1846.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Milwaukee shall have power and they are hereby authorized to cause all alleys to be graded gravelled or paved, and to levy and collect a special tax on the lots fronting on the alleys so graded gravelled or paved in proportion to the fronts of such lots respectively on such alleys for the purpose of defraying the cost of the same to be collected in the same manner and at the same time as other taxes are authorized to be collected : provided, that the said special tax upon any lot shall exceed in no case the enhanced value of such lot by such grading graveling or paving, said value to be ascertained by the assessors, and the balance of cost of such improvement if any to be paid by the respective wards in which such alleys are situated.

SEC. 2. The common council shall also have power and are hereby authorized to declare all lots on which water may accumulate and become stagnant so as to endanger the health of the city a public nuisance, and may cause all such lots to be graded filled or drained sufficiently to abate the same, notice being given as hereinafter specified, and may levy and collect a special tax on all such lots so graded filled or drained for the purpose of defraying the cost thereof to be collected in the manner specified in the first section of this act : provided that the said special tax upon any lot shall exceed in no case the enhanced value of such lot by such grading filling or draining, said value to be ascertained by the assessors and the balance of cost of such improvement if any to be paid by the respective wards in which such lots are situated.

SEC. 3. The common council shall in all cases where any lot or lots have been declared a public nuisance by them, cause a written notice to be given to the owner or owners agents or occupants of such lot or lots to abate such nuisance within such time as the said council shall direct. If no owner or owners or occupants are found on which such notice can reasonably be served, then the said council shall cause the same to be publish.

ed in one or more of the daily papers of the city for at least ten days: and if said nuisance shall not be abated within the time specified in said notice, then the said common council shall have power to abate the same as hereinafter specified: provided, that, this act shall be, and continue in force, for the term of one year only from the time of the passage thereof.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 10, 1848.

NELSON DEWEY.

AN ACT amendatory to the several acts therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The words "second Monday of August next" in section two of an act entitled "an act to provide for levying and collecting state revenue" approved August 1st 1848 shall be construed to mean the second Monday of August 1848.

Sec. 2. The words fourth Monday of August next in section three of an act entitled "an act to organize the several towns therein named and to authorize the same to hold a special election for town officers" approved August second 1848 shall be construed to mean the fourth Monday of August 1848.

Sec. 3. The words "fourth Monday of July next" in the sixth section of an act entitled "an act to provide for revising the statute laws of this

state" approved July 13th 1848 shall be construed to mean the fourth Monday of July 1848.

N. E. WHITESIDE,
Speaker of the Assembly. &
JOHN E. HOLMES;

Lieut. Governor and President of the Senate. *

Approved August 10, 1848.

NELSON DEWEY.

AN ACT to pay W. H. Wyman and A. U. Wyman the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated and the treasurer is hereby authorized and required to pay to W. H. and A. U. Wyman the sum of two hundred and twenty one dollars and fifty five cents in full of their account for doing the incidental printing of the assembly from June sixteenth to June twenty eighth one thousand eight hundred and forty eight.

N. E. WHITESIDE,
Speaker of the Assembly,
J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 11, 1848.

NELSON DEWEY.

AN ACT to amend an act entitled "an act to incorporate the town of Plattville.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the powers conferred upon the trustees of the town of Plattville, as expressed and embodied in the act incorporating said town approved February 19th 1811. the said trustees shall have the following powers to wit: to license and regulate groceries victualling houses taverns shows menageries circuses, theatres concerts and all public exhibitions and entertainments, and also the sale of spirituous or strong liquors within said town, and to fix such rates of licenses and to enact such ordinances and by-laws on said subjects with penalties for the breach thereof as they may deem proper, and collect such penalties in the same manner that fines forfeitures and penalties are provided to be collected in the act to which this is amendatory: provided, that the board of county commissioners of Grant county in Wisconsin may have authority to exact a tax to the county from any person who may be licensed by said trustees to keep a tavern or grocery.

N. E. WHITE IDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 11, 1848.

NELSON DEWEY.

AN ACT relating to a Territorial road leading from Watertown to Fox Lake.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of said road as lies between the tavern stand occupied by D. F. Eldred in Burnett and the intersection of the before mentioned road with a road leading from Beaver Dam to Waupun be and the same is hereby vacated.

Sec. 2. Robert Whittaker Isaac Noyes and John H. Sargent are hereby appointed commissioners to re-locate said road between the points above mentioned in such place as the public interests shall require

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 1st, 1848.

NELSON DEWEY.

AN ACT to authorize the supervisors of the town of Beaver Dam in the county of Dodge to levy a special tax to build certain bridges in said town.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors of the town of Beaver Dam in the county of Dodge may and are hereby authorized to levy and collect a tax of a

sum not exceeding seven hundred dollars on the taxable property of said town for the purpose of building two bridges in said town one in the village of Beaver Dam, and the other three fourths of a mile out of said village on the road to Decora, and that the said tax shall be levied and collected as is now provided by law for levying and collecting other taxes in said town, and the town clerk is hereby authorized and required to make out the assessment roll of said town for this year, so as to include the said sum of seven hundred dollars above mentioned in addition to the other taxes authorized to be raised in said town.

SEC. 2. This act shall be submitted to a vote of the qualified electors of said town at a special town meeting to be held in said town for the purpose, on the first Monday of September next, and the town clerk of said town shall cause notice thereof to be posted up in at least three public places in said town at least ten days before the day of holding said town meeting, in which notice he shall specify the time and place and object of such town meeting; and if a majority of all the votes cast at such town meeting shall be in favor of levying such tax then and in that case the said sum of seven hundred dollars above mentioned shall be so levied and collected as above specified, provided, that if said town meeting shall decide to levy such tax the highway commissioners of said town may immediately contract for the materials and construction of said bridges,

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 11, 1888.

NELSON DEWEY.

AN ACT to alter a certain Territorial road therein named and to locate the same.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry Shears, D. N. Kinney and L. S. Van Orman are hereby appointed commissioners to alter so much of the Watertown and Milwaukee territorial road as they may think advisable in the town of Merton.

Sec. 2. Said commissioners are hereby appointed to lay out a state road from Merton Mills to Heustisford via Neosha in Dodge county, on the nearest and most feasible route.

Sec. 3. The commissioners of highways of the town of Mukwonago are hereby authorized and empowered to alter or discontinue that part of the territorial road leading from Milwaukee to Janesville, on section twenty six in said town, which lies between the point where the same leaves the present travelled road to the point where the same again touches the present traveled Milwaukee and Janesville road.

Sec. 4. R. E. Holmes, C. Crownhart and W. R. Longstreet are hereby appointed commissioners to lay out a state road commencing at the village of Salisbury in the county of Washington and terminating at the village of Fond du Lac in the county of Fond du Lac

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 11, 1848.

NELSON DEWEY.

AN ACT supplementary to an act entitled "an act to provide for levying and collecting State Revenue" approved August 1st 1848 and to authorize a loan to defray the extraordinary expenditures of the State for the year 1849.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. For the purpose of defraying the extraordinary expenditures of the state for the year one thousand eight hundred and forty eight the state treasurer is hereby authorized empowered and directed to negotiate and obtain for the use of the state a loan of twenty thousand dollars: provided he shall be able to procure the same in gold and silver coin for a period of not less than six nor more than twelve months, and at a rate of interest not exceeding twelve per cent per annum: and provided further that said loan be negotiated within nine days from the passage of this act.

SEC. 2. Upon procuring the said sum or any part thereof not less than one thousand dollars it shall be the duty of the treasurer to give duplicate receipts to the person from whom the money shall be obtained which receipts in addition to the amount shall specify that they are given on account of a loan authorized by this act the time for which the same has been obtained and the rate of interest to be paid therefor: the money thus obtained shall be applicable to the payment of any and all state expenses, and shall be disbursed by the treasurer in the manner provided by law for the payment of money out of the state treasury.

SEC. 3. Upon the presentation to the governor of any duplicate receipts given in accordance with the provisions of this act, it shall be the duty of the governor to make out a state bond or obligation in favor of the holder of said receipts for a like amount, which bond or obligation shall be in substance as follows: The people of the State of Wisconsin are justly indebted to _____ in the sum of _____ thousand dollars, on account of a loan authorized by act of the legislature of said state approved August _____ 1848 which sum together with interest thereon at the rate of _____ per cent per annum shall be paid to the holder on the _____ of the

said ——— out of the State Treasury at the expiration of ——— months from the date hereof. In testimony whereof &c; and such bond or obligation shall be dated on the day of the date of the receipts for which it is given, shall be signed by the governor, countersigned by the secretary and sealed with the great seal of the state: But no receipt shall be given by the treasurer or bond issued by the governor for a less sum than one thousand dollars.

Sec. 4. Before any such bond or obligation shall be delivered by the governor it shall be taken to the secretary of state who shall record the same at length in a book to be provided for that purpose and preserved in his office as a record of loans authorized by the state, and shall also be endorsed by the secretary as countersigned and registered in his office with the date of the registry of the same: one of the duplicate receipts received by the governor in exchange for such bond or obligation shall be deposited with the secretary of state, and the other preserved in the executive office.

Sec. 5. For the final redemption of any bond or obligation issued in accordance with the provisions of this act the faith of the State of Wisconsin is irrevocably pledged, and so much of the state revenue authorized to be raised upon the taxable property of the state for the year one thousand eight hundred and forty eight by an act entitled "an act to provide for levying and collecting state revenue approved August 1st 1848, as shall be necessary for the redemption of the same, is hereby appropriated and set apart to be applied to that and to no other object whatever.

Sec. 6. Immediately upon procuring any loan the treasurer shall report the same to the governor and secretary of state and the governor secretary and treasurer shall each communicate to the legislature at its next session their doings under the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 11, 1848.

NELSON DEWEY.

AN ACT relating to the appointment and duties of Notaries Public.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor shall appoint from each organized county of the state, one or more notaries public, who shall be considered state officers, and shall hold their offices for the term of two years, and shall have power to act by virtue of their office throughout the state.

Sec. 2. Each and every notary public before he enters upon the duties of his office shall take and subscribe the oath prescribed by the constitution of this state and shall give a bond to the governor with sufficient surety in the penal sum of five hundred dollars conditioned for the faithful discharge of the duties of his office. He shall also provide an official seal, and deposit an impression of the same in the office of the clerk of the court of the county in which he shall reside.

Sec. 3. Notaries public shall have power to demand acceptance and payment of foreign bills of exchange, and to protest the same for non acceptance and non payment and to administer oaths, and take acknowledgment of written instruments, and to exercise such other powers and duties as by the law of nations and according to commercial usage or by the laws of any other state, government or country may be performed by notaries public.

Sec. 4. They may also demand acceptance of inland bills of exchange and payment thereof and of promissory notes, and may protest the same for non acceptance or non payment as the case may require. But neither such protest nor any note thereof made by any notary of this state shall be evidence in any court of this state of any facts therein contained, except in the cases specified in the following section.

Sec. 5. In all actions at law, the certificate of a notary under his hand and seal of office of the presentment by him of any promissory note, or bill of exchange for acceptance or payment, and of any protest of such bill or note for non payment or non acceptance, and of the service of notice thereof, or any or all of the protests to such bill of exchange or promissory note, and specifying the mode of giving such notice and the reputed place of

residence of the party to whom the same was given, and the post-office nearest thereto, shall be presumptive evidence of the facts contained in such certificate.

S. c. 6. It shall be the duty of each and every notary public when any bill of exchange, promissory note, or other written instrument shall be by him protested for non-acceptance or non-payment to give notice in writing thereof to the maker and each and every endorser of a bill of exchange, and to the maker or makers of, and each and every security or endorser of any promissory note or other written instrument immediately after such protest shall have been made, and also personally to serve the notice upon the person or persons protested against: Provided he or they reside within two miles of the residence of such notary public; but if such person or persons reside more than two miles from such residence the said notice may be forwarded by mail or other safe conveyance.

S. c. 7. Each and every notary public shall keep a record of all protests by him made and all notices by him served and of the time and manner in which the same shall have been served, and the names of all the persons to whom the same were directed, and the description and amount of the instrument protested and any note or memorandum made by him in his own hand writing and signed by him at the foot of any protest or in any record of official acts kept by him shall be presumptive evidence of the fact of any notice of non-acceptance or non-payment having been sent or delivered at the time and in the manner stated in such note memorandum or record.

S. c. 8. Whenever the office of any notary public shall become vacant the records of said notary public together with all the papers relating to the office shall be deposited in the office of the clerk of the circuit court in the county in which the said notary public resides, and any notary public who on his resignation or removal from office as aforesaid for the space of three months shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars and if any executor or administrator of any deceased notary public shall neglect to lodge such records or papers as aforesaid which come into his hands, in the clerk's office for the space of three months after the acceptance of that trust he shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars: and if any person shall knowingly destroy deface or conceal any records or papers of any notary public he shall forfeit and pay a sum not less than fifty

of more than five hundred dollars, and shall be rendered liable to an action for damages by the party injured.

Sec. 9. It shall be the duty of the several clerks of the circuit courts to receive and keep safe all the records and papers directed by this act to be deposited in their office and give attested copies of any of said records or papers when required; and copies so given by the said clerk are hereby declared to be as valid as if the same had been given by the said notary public: all forfeitures under this act shall be one half for the use of this state and the other half to him or them who shall sue for the same to be recovered in an action of debt in any court having jurisdiction of the same in the county where such notary public resides.

Sec. 10. For any misconduct in any of the cases where notaries public appointed under the authority of this state are authorized to act either by the laws of this state, government or country or by the laws of nations or by commercial usage they shall be liable to the parties injured thereby for all damages sustained; and shall be subject to criminal prosecution and punishment in the same cases and in the same manner in which other public officers of this state would be liable for misconduct in their official duty or act authorized or enjoined by the laws of this state.

Sec. 11. Whenever any notary public shall remove out of the county in which he resides at the time of his appointment his office shall be deemed vacant.

Sec. 12. Full faith and credit shall be given to all the protestations attestations certificates and other instruments of publication of all notaries public hereafter to be appointed under the provisions of this act.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 10, 1848.

NELSON DEWEY.

AN ACT prescribing the powers and duties of the Secretary of State.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state shall within twenty days from receiving notice of his election and before entering upon the duties of his office give a bond to the state of Wisconsin in the sum of twenty five thousand dollars conditioned for the faithful discharge of the duties of his office according to law, and take and subscribe the oath required by the constitution, which bond shall be approved by the governor, and together with the oath be preserved in the executive office; The secretary elect shall give the required security within twenty days from the passage of this act.

SEC. 2. The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the state and shall when required lay the same and all matters relative thereto, before either branch of the legislature: He shall be ex-officio auditor and shall perform such other duties as shall be assigned him by law: He shall have the custody of all books records deeds parchments maps and papers now deposited or that may hereafter be deposited or kept in his office and shall from time to time make such provisions for the arrangement and preservation thereof as he may deem necessary.

SEC. 3. All deeds, conveyances and mortgages belonging to the people of this state shall be deposited and preserved in the office of the secretary of state and open to public inspection at a reasonable hour.

SEC. 4. All copies of records and papers in the office of the secretary of state certified by him and authenticated by the seal of his office shall in all cases be evidence equally and in like manner as the original.

SEC. 5. The secretary of state shall keep his office at the seat of government and shall keep the same open during business hours of the legislature while in session.

SEC. 6. It shall be the duty of the said secretary to cause the enrolled copies of all acts and joint resolutions of each session together with an index containing the titles of the same to be bound in a substantial manner.

in the order in which they are approved; which shall be and remain in his office the record required to be made by him by the second section of the sixth article of the constitution, and no other or further record of the official acts of the legislature so far as relates to acts and joint resolutions shall be required of said secretary, and he shall also cause the title thereof with the session at which the same shall have been passed to be written or printed on the back of such volumes.

SEC. 7. He shall deposit in his office one copy of the laws printed by the state printer having first examined and compared the same with original laws on file, and noted at the end of each act every error or omission that may be found in the printed copy, and shall cause the title thereof with the session at which the same shall have passed to be written or printed on the back of such volume.

SEC. 8. He shall also cause the acts of the congress of the United States which may be received at his office to be deposited in the state library.

SEC. 9. The description in writing of the great seal of the state shall be deposited and recorded in the secretary's office and shall remain a public record.

ARTICLE SECOND.

OF THE GENERAL POWERS AND DUTIES OF THE SECRETARY AS AUDITOR OF THE STATE.

SEC. 10. It shall be the duty of the secretary of state: First, To superintend the fiscal concerns of the state and to manage the same in the manner required by law: Second, To exhibit to the legislature at its annual meeting a complete statement of the funds of the state, of its revenues and of the public expenditures during the preceding year, with a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing year specifying therein each object of expenditure, and distinguishing between such as are provided for by permanent or temporary appropriations and such as require to be provided for by law, and showing the means from which such expenditures are to be defrayed: Third, To suggest plans for the improvement and management of the public revenues: Fourth, To keep and state all accounts between this state and the United States, and all other accounts in which the state is interested: Fifth, To examine and settle the accounts of all persons indebted to the state and to certify the

amount or balance to the treasurer. Sixth, To direct and superintend the collection of all monies due to the state. Seventh, To examine and liquidate the claims of all persons against the state in cases where provision for the payment thereof shall have been made by law, and when no such provision or an insufficient provision shall have been made to examine the claim and report the facts with his opinion thereon to the legislature. Eighth, To require any person who shall have received any monies belonging to the state and shall not have accounted therefor to settle their accounts. Ninth, To draw warrants on the treasurer for the payment of all moneys hereafter directed by law to be paid out of the treasury, but no warrant shall be drawn unless authorized by law, and every warrant shall refer to the law under which it is drawn.

SEC. 11. The secretary of state shall from time to time require all persons receiving monies or securities or having the disposition or management of any property of the state of which an account is kept in his office to render statements thereof to him, and all such persons shall render such statements at such time and in such form as he shall require.

SEC. 12. The secretary of state may require any person presenting to him an account for settlement to be sworn before him touching the said account, and when so sworn to answer orally as to any facts relating to the justness of the said account.

SEC. 13. He shall countersign and enter in a book to be kept by him for that purpose all receipts for money paid to the treasurer and no such receipts shall be evidence of payment unless so countersigned.

SEC. 14. He shall keep an account between the state and the treasurer, and therein charge the treasurer with the balance in the treasury when he came into office and with all monies received by him, and credit him with all warrants drawn on and paid by him.

SEC. 15. He may from time to time cause to be published at the expense of this state in one or more of the newspapers printed therein, such laws of this state or extracts therefrom relating to the payment of monies that may be due or become due to this state or the duties to be performed by the public officers thereof as he may deem necessary.

SEC. 16. All leases mortgages bonds and other securities for money given to the people of this state, unless otherwise specially directed shall be deposited and kept in the office of the secretary of state.

SEC. 17. The present fiscal year of the office of the treasurer of this

state shall close on the thirty first day of December next; and the future fiscal year of that office shall be from the first day of January in the preceding to the first day of January in the succeeding year inclusive.

SEC. 18. All books and accounts in the office of the secretary of state shall be kept, and all the duties of that office shall be performed with reference to the time and commencement and ending of the fiscal year of the treasurers office.

SEC. 19. All officers and persons required to render annual accounts to the secretary of state or treasurer shall close these accounts on the first day of January in each year and shall render such accounts as soon after that day in each year as may be practicable.

ARTICLE THIRD.

OF PROCEEDINGS AGAINST PERSONS ACCOUNTABLE FOR PUBLIC MONIES.

SEC. 20. Whenever the secretary of state shall deem it expedient he shall issue a notification in the name of the people of this state to any person who shall have received monies belonging to the state, for which he has not accounted according to law in case of the death of such person, the notification shall be directed to his legal representatives.

SEC. 21. Such notification shall require that within a limited period not less than sixty nor more than ninety days from the date thereof all the accounts and vouchers for the expenditures of such monies shall be rendered the secretary of state.

SEC. 22. Such notification shall be served by the sheriff of the county where the person to whom the same shall be directed shall reside, by delivering a copy thereof to him or by leaving such copy at his usual place of abode at least forty days before the time limited in the notification for rendering such accounts and vouchers.

SEC. 23. The returns of such notification to the secretary's office with the certificate of the sheriff endorsed thereon, that the service has been made by delivering a copy of the notification to such person, or by leaving such copy at his usual place of abode shall be conclusive evidence of the proceedings.

SEC. 24. In case the party shall fail to render such accounts and vouchers within the time limited in such notification the secretary of state shall state an account against him charging interest at the rate of seven

per cent per annum from the time the notification was served, and shall deliver a copy of such account to the attorney general for prosecution.

SEC. 25. Such copy certified by the secretary of state shall be sufficient evidence to support an action for the balance therein stated subject to the right of the defendant to plead and give in evidence all such matters as shall be legal and proper for his defence or discharge.

SEC. 26. The party so sued, shall be subject to the costs and charges of suit whether the ultimate decision be against him or in his favor, unless sued as the representative of the original party.

SEC. 27. Whenever accounts and vouchers are rendered within the time limited in the notification or without notification being issued, the secretary of state shall proceed immediately to examine the same, and if such accounts and vouchers are regular and sufficient shall liquidate and settle them; but if any of the necessary vouchers are wanting, or are in his opinion insufficient he shall give notice to the party, and require him to supply such defects within the period of not less than sixty nor more than ninety days; and at the expiration of the time limited the secretary shall liquidate and settle such accounts upon the vouchers and proofs which shall have been delivered to him.

SEC. 28. When the secretary of state shall have settled any such account he shall transmit a copy of the account as settled by him to the party and if any balance is certified to be due to the state and the same shall not be paid to the treasurer within ninety days thereafter the secretary of state shall deliver a copy of such account to the attorney general for prosecution.

SEC. 29. Such copy certified by the secretary of state shall be sufficient evidence to support an action for the balance therein stated, subject to the right of the defendant to plead and give in evidence all such matters as shall be legal and proper for his defence or discharge.

SEC. 30. If any such defendant shall upon the trial in any such action give any evidence other than such as was produced to the secretary of state such defendant shall be subject to the costs and charges of such suit, whether the ultimate decision shall be against him or in his favor; unless it shall appear in proof that it was not within the power of the defendant to furnish such additional evidence to the secretary of state within the time required in section twenty seven.

SEC. 31. When any number of persons shall have received any mo-

monies for which they are accountable to the state, the secretary of state may in his discretion settle the accounts of any one or none of them separately.

SEC. 32. In such case no person shall be allowed to plead in abatement to any suit to be brought for any balance which shall be certified to be due from him or them or to give in evidence upon trial thereof, that any other person was concerned with him or them in the receipt or expenditure of the said monies.

SEC. 33. Nothing in this article contained shall be construed to impair any legal remedy which might be used if this article was not in force for the recovery of any debt due or to become due to the people of this state.

SEC. 34. The secretary of state shall receive a salary of one thousand two hundred dollars per annum to be paid out of the treasury of the state upon the certificate of the governor which shall be in full for all services required of him by any law or the constitution of this state and no further compensation shall be allowed for the services of any clerk or other officer connected with his office.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 12, 1848.

NELSON DEWEY.

AN ACT to authorize the Trustees of the Village of Southport to levy a tax to pay the indebtedness of said village.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Southport shall have power

for two years during the years one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine to levy a special tax of three thousand dollars in each year for the purpose of paying the money borrowed to construct a harbor at the south mouth of Pike creek in said village.

Sec. 2. The said tax shall be levied on all property subject to taxation by the act of incorporation of said village.

Sec. 3. Whenever the trustees shall ordain the levying the said tax it shall be the duty of the recorder of said village to make out tax lists of the same upon the assessment roll last made out by the assessors of said village, or if the said trustees shall deem best upon a new assessment to be by them ordered and shall forthwith deliver said tax list to the marshal or such other person as the trustees shall appoint.

Sec. 4. The marshal or such other person to whom the tax list shall be delivered shall within ten days of the time of the reception of said tax lists proceed to advertise and collect said tax in the same manner as is provided for the collection of taxes in said village.

Sec. 5. It shall be the duty of the trustees as soon as the tax shall be collected to be paid over to the person or persons of whom money may have been borrowed for the purposes aforesaid, and the money raised in pursuance of this act shall not be appropriated for any other purpose.

Sec. 6. In all votes hereafter held in said village to raise money the term freeholders shall apply to all persons who hold and occupy lots upon leases on which lots they pay the taxes.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 11, 1848.

NELSON DEWEY.

AN ACT to change the name of John B. Buebe.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of John B. Buebe is hereby changed to that of John B. Bope and the said John B. Buebe shall hereafter be lawfully known only by the name of John B. Bope.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 11, 1848.

NELSON DEWEY.

AN ACT to change the name of Baruch Schleisinger to Baruch Schleisinger Weil.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of Baruch Schleisinger of the town of Polk in Washington county is hereby changed to Baruch Schleisinger Weil by which name he shall and may be hereafter known in all courts and places

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 11, 1848.

NELSON DEWEY.



AN ACT providing for the appraisal and subdivision of the school and university lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be appointed by the legislature at its present session by joint resolution of the two houses three persons in each county of the state as appraisers of the university lands and school lands composed of the sixteenth sections in the several townships within their respective counties; and also the odd numbered sections remaining unsold within the grant of land to aid in the construction of a canal from Milwaukee to Rock River.

SEC. 2. The said appraisers before entering upon the duties of their offices shall each be required to take an oath or affirmation to be administered by some competent officer to support the constitution of the United States, and of the State of Wisconsin and faithfully and impartially to discharge all the duties devolving upon them as such appraisers, which oath shall be annexed to the appraisal and returned therewith to the secretary of state at Madison.

SEC. 3. As soon as may be after the appraisers of each county shall have been advised of their appointment they shall meet together and agree upon such arrangement as will facilitate the completion of the duties required of them by this act, and enable them to make their report to the secretary of state at Madison at as early a period as practicable.

SEC. 4. It shall be the duty of such appraisers under instructions from the secretary of state to describe the quality location and general advantages of all the school and university lands situated in their respective counties and to appraise the same at a fair valuation without reference to any improvements made thereon but giving due consideration to other circumstances such as proximity to settlements and credit for purchase money: they shall also return a particular description of all improvements made by any occupant or claimant on any school or university lands with an estimate of the value of such improvements and enter the name of the person or per-

sons claiming the same and the circumstances under which the same were made.

Sec. 5. In making the description and appraisal as prescribed in this act the said appraisers shall describe and appraise the agricultural lands in lots not exceeding forty acres each, such lands as shall be occupied by any lessee or his assigns or are actually in possession of any person or persons intending to claim of the state a pre-emption right to purchase the lot he or she so occupies at its appraised value (such claims however not to be respected to a larger amount than forty acres for each occupant) may be subdivided by the appraisers at their discretion into such smaller parcels, as shall best accommodate such lessees or assigns or occupants and the said appraisers are authorized should they conceive that the interest of the school fund would thereby be promoted to lay off any of such lands into town or village lots and appraise them as such, or in case a city town or village should be found in whole or in part located upon any school or university lands, such appraisers shall conform in their description and appraisal of the lands thus situated, to the subdivisions that may have been made by the municipal authorities of any such city town or village into squares blocks streets and alleys, and shall adopt in their returns, such divisions of lots and parcels as shall have been made by the lessees or their assigns in the various transfers of leases that may have taken place between them and as may actually exist at the time the appraisal shall be made as hereinbefore provided for; the appraisers shall estimate the expense of appraising and subdividing any tract or lot and add the same to their appraisal.

Sec. 6. It shall be the duty of the secretary of state immediately after such appraisers shall have been appointed by the legislature to inform them immediately by letter or by circulars through the public mail or by other conveyance of their appointment as such appraisers, and to ascertain as soon as practicable whether the appraisers so appointed will accept their office; and in the event of any vacancy occurring in the office of appraiser by death resignation or refusal or neglect to qualify, or otherwise the secretary of state shall forthwith advise the governor thereof who is hereby authorized immediately to fill such vacancy by the appointment of some other suitable person who shall forthwith be advised by the secretary of state of his appointment as such appraisers.

Sec. 7. When the subdivision appraisal and description of the school and university lands in any county shall have been completed, it shall be

the duty of the appraisers of such county to confer together, and as soon as practicable to make a joint report in detail, to the secretary of state of all they shall have done, in pursuance of the provisions of this act conforming in said report to the forms that may have been prescribed by the secretary of state, but under no circumstances shall such report be delayed beyond the fifteenth day of December one thousand eight hundred and forty-eight and it is hereby made the duty of such appraisers to report without failure by that day at the farthest, what progress they shall have made in the discharge of the duties of their office, whether their work shall have then been completed or not: they shall make duplicate plats of each section of school and university land which shall set forth the number of acres contained in said section and every subdivision of the same; the size of each town lot, and such further description as may be required by the secretary of state: one of said plats shall be filed in the office of the clerk of the board of supervisors or county commissioners of the county in which such land is situated and the other returned to the secretary of state.

Sec. 8. The appraisers aforesaid shall be allowed for the services herein required of them at the rate of two dollars and fifty cents per day for each and every day they may be actually and necessarily engaged in the discharge of the duties of their office, the number of days they shall be so engaged, to be determined by their own affidavits to be audited by the boards of supervisors or county commissioners and paid out of the treasury of their respective counties, and upon the sale of any tract or lot of school land, university lands, the expense of the subdividing and appraisal of such tract or lot shall be paid to the treasurer of the county in which such tract or lot is situated to reimburse the expense paid by such county for subdividing and appraising the same: Provided, that no compensation shall be allowed or paid to any appraiser until the secretary of state shall certify that such appraiser has complied with all duties enjoined on him by this act.

Sec. 9. It shall be the duty of the secretary of state to make a report in detail to the legislature on or before the twentieth day of January one thousand eight hundred and forty nine of the appraisals descriptions and subdivisions of all such school and university lands within the several towns and precincts of the state as may have been returned to him by the appraisers together with such other facts and suggestions as he may deem it expe-

intent to communicate, adopting such form in his report as may be best calculated to facilitate the action of the legislature thereon.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 12, 1848.

NELSON DEWEY.

AN ACT to change the name of the village of Salisbury.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of the village of Salisbury in Washington county is hereby changed to that of Newark and by such name such village shall hereafter be known.

N. E. WHITESIDE,
Speaker of the Assembly.
J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 13, 1848.

NELSON DEWEY.

AN ACT to provide for the annual meeting of the legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The regular annual session of the legislature shall commence on the second Wednesday of January in each year.

SEC. 2. The speaker of the Assembly, the president of the senate, the governor, secretary of state, Attorney general or any judge of the supreme court, are hereby authorized to administer the oath of office to the members and officers of the legislature.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 15, 1848.

NELSON DEWEY.

AN ACT to provide for the Election and define the duties of State Superintendent of Public Instruction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be elected at the general election to be holden in each year a state superintendent of public instruction whose term of office shall commence on the first Monday in January succeeding his election and continue for one year and until his successor his elected and qualified : If from any cause the said office shall become vacant, the person ad

ministering the government of this state is authorized to appoint some suitable person to that office, and the person so appointed shall continue in office until his successor shall be duly elected and qualified.

SEC. 2. The state superintendent of public instruction shall before he enters upon the duties of his office take and subscribe an oath to support the constitutions of the United States and the state of Wisconsin, and faithfully to discharge the duties of his office according to law, which oath shall be filed in the office of the secretary of state: He shall receive a yearly compensation for his services to be paid quarterly out of the treasury of this state of one thousand dollars, with his actual postage and necessary stationery for his office.

SEC. 3. The superintendent shall have a general supervision over public instruction in this state, and it shall be his duty to devote his whole time to the advancement of the cause of education, and for that purpose to visit as far and as often as practicable, every town and school in the state for the purpose of inspecting the schools and diffusing as widely as possible by public addresses (which shall be free from partisan politics and sectarian religion) and personal communication with school officers teachers and parents, a knowledge of existing defects and desirable improvements in the administration of the system, and the government and instruction of the schools: To recommend the introduction and use of the most approved text books, and to secure as far as practicable uniformity in education throughout the state: To discourage the use of sectarian books or sectarian instruction in any of the public schools of this state: To recommend the establishment of school libraries and to advise in the selection of books for the same. To collect such information as may be deemed important in reference to common schools in each county, town precinct and school district: To ascertain from the best authenticated sources the number of children between the ages of four and twenty years: The number and description of schools, the qualification of teachers: the length of time that schools are taught in each school district: the number of scholars in attendance at each school: the text books now in use in the different schools: The amount paid for tuition: the sources from which the various items of school fund are derived; and to ascertain the number of school houses, academies and other seminaries of learning; the amount expended in the erection of the same: to ascertain the condition of all the school funds in this state with the amount of the school funds due to each township from

lands or other sources: to propose suitable forms and regulations for making all reports and conducting all necessary proceedings under this act: to adjust and decide all controversies and disputes arising under the school lands without cost to the parties: to open a correspondence with the friends of education in this and other states: to address circulars and to furnish such information as he may deem proper to the different county and town clerks and school officers in this state: to perform such other duties as the legislature or governor of this state may direct, to report annually to the legislature all information collected by him on the subject of education, and to suggest such improvements and other measures as in his opinion the interest of education requires.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 16, 1848.

NELSON DEWEY.

AN ACT to Incorporate Milwaukee College.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Increase A. Lapham, Byron Kilborn, Paraclete Potter, Cicero Comstock, John T. Perkins, E. B. Wolcott, P. C. Hale, John H. Tweedy, Eliphalet Cramer, Edward Wunderly, Alanson Sweet, James H. Rogers, Moses Knee and their successors are hereby created a body corporate and politic to be styled the board of trustees of "Milwaukee college" and shall be trustees of the said corporation for the purpose of further establishing maintaining and conducting an institution of learning for the education of youth generally, and by the aforesaid corporate name to remain in perpetual succession with full power to sue and be sued to

plead and be impleaded, to acquire hold and convey property real and personal to be applied only to the objects herein proposed not exceeding in value one hundred thousand dollars, to have and use a common seal, to alter and renew the same at pleasure, to make and alter from time to time such by-laws rules and regulations as they may deem necessary for the government of said institution its officers and servants: Provided, such by-laws rules and regulations are not inconsistent with the constitution and laws of the United States or of this state.

SEC. 2. The trustees of said college and their successors shall forever hereafter have power and authority to direct and prescribe the course of study and the discipline in said college, also to select and appoint by ballot or otherwise a president and such professors and tutors and such other officers as the said trustees shall deem proper, all of whom shall hold their offices, during the pleasure of said trustees.

SEC. 3. The said trustees and their successors shall have power and authority to grant such literary honors and degrees as are usually granted by universities colleges or seminaries of learning in the United States. and in testimony of such grants to give suitable diplomas under their seals, which diplomas shall entitle the possessors respectively to the immunities and privileges which by usage or statute are allowed to the possessors of similar diplomas granted by universities colleges and seminaries of learning.

SEC. 4. There shall at all times be thirteen trustees of said corporation a majority of whom shall constitute a quorum for the transaction of business, but a minority may adjourn from time to time.

SEC. 5. The said college shall be located in or near the city of Milwaukee at such place as the trustees shall determine, and shall be erected on a plan sufficiently extensive to afford ample facilities to perfect the scholar.

SEC. 6. The board of trustees shall hold their first meeting at Milwaukee within three months after the passage of this act: Provided, that a majority failing to meet a minority shall have power to organize and adjourn.

SEC. 7. The said trustees shall continue in office during their life or pleasure unless removed as provided in section eight and shall have power to fill all vacancies occasioned by death resignation or otherwise.

SEC. 8. The said trustees may meet on their own adjournment, and the president in conjunction with two members, or four members, may call

special meetings by giving ten days notice: any trustee may be removed by a vote of the board for mal-conduct or for neglect of duty for one year.

Sec. 9. The trustees shall faithfully apply all funds by them collected or received according to the best of their judgment in erecting buildings supporting the necessary officers instructors and servants, in procuring books and apparatus necessary to the success of the college: Provided nevertheless that in case any donation or bequest be made for particular purposes which according with the designs of the institution, the corporation shall receive the same and apply it in accordance with the designs of the donor.

Sec. 10. The president of the college shall be ex-officio a member and president of the board of trustees.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 16, 1848.

NELSON DEWEY.

AN ACT to amend an act entitled "an act to incorporate the Wisconsin Iron Company," approved March 6th, 1848.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Said company shall have a common seal by which all their acts shall be authenticated, and they may change and alter the same at pleasure, and they shall be capable of purchasing and holding, using and conveying any estate real or personal necessary for the use and security of said corporation, and each member of said company shall be individually liable for all debts contracted by or on behalf of said company during the

time said member shall be a stockholder in said company in proportion to the stock held by said member: Provided always, that the stock and property of said company be first exhausted.

SEC. 2. The stock property and concerns of said company shall be managed and conducted by five directors who shall be stockholders, one of whom shall be president who may respectively hold their offices for one year and until others shall be chosen: the said board of directors shall have power to ordain and establish such by-laws and regulations as shall be necessary to promote the objects of the company not inconsistent with the laws and constitution of the state of Wisconsin.

SEC. 3. Sections two and three of the act of which this is amendatory are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 16, 1848.

NELSON DEWEY.

AN ACT to authorize the construction of a dam across the Peckatoneca river in La Fayette county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samuel Young his associates successors heirs and assigns are hereby authorized to erect and maintain a dam across the Peckatoneca river on section one (1) town one (1) range five (5) in the county of La Fayette, on any land which he may now own or to which he may hereafter procure a title in said section and to make use of the water of said river for hydraulic purposes.

SEC. 2. Said dam shall not exceed eight feet in height from low water mark and shall be so constructed as to admit of the passage of all descending rafts or water crafts; and attend the passage of all water crafts through free of all charges to the owner of said boats or water crafts.

SEC. 3. The said dam and the owner or owners thereof shall be subject to all the provisions of an act of the territorial legislature entitled "an act in relation to mills and mill dams" approved January 13th 1840.

SEC. 4. The legislature may at any time alter or amend this act so as to provide for the future improvement of the Pecatonica river.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 16, 1848.

NELSON DEWEY.

AN ACT to incorporate the Milwaukee Cemetery Association of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Lindsey Ward, Clarence Shepard, Lewis J. Higby, Levi Blossom, Lemuel W. Weeks, James T. Baker, Asahel Finch, Jr., Paraclete Potter and their associates successors or assigns are constituted a corporation by the name of the "Milwaukee Cemetery Association" and by that name may sue and defend in any court of record or in any other place have and use a common seal, ordain establish and put in execution such by-laws ordinances and regulations not incompatib'e with the laws of this state or of the United States as they may deem necessary and convenient for the government of said corporation and the present management of their

affairs may take and hold the title to that part of the east half of the south east quarter of section number thirty one in township number seven north of range number twenty two east, lying north of the Mequanego road, and now used for burial purposes: and may by purchase add to the same such other contiguous land as they may deem necessary, adhering to and complying in all respects with bonds given by the present holders of said land in trust: said land so held shall be forever used solely and exclusively for the burial of the dead: they may likewise hold such personal property as may be necessary to an amount not exceeding two thousand five hundred dollars, with all the powers privileges necessary to carry into full effect the objects contemplated in this act.

SEC. 2. Said corporation may alter and change the plat and survey of said land so as to render the same more accessible and convenient for public use, and for the purpose of improving said ground may vacate any street alley or burial lot now in use first obtaining the consent in writing of the owner or owners of said lot or lots.

SEC. 3. No part of said land shall be liable to be sold in execution so long as it is used for the purpose of a cemetery as aforesaid and shall be free from taxation except for such assessment as the directors may deem necessary to defray the expenses incurred in improving and embellishing the same and for the superintendence thereof.

SEC. 4. The officers of the corporation shall be a president, secretary and treasurer, who shall perform the duties usually belonging to such offices: and they shall also be a board of directors of the affairs of the corporation, with such other officers as shall be elected by said corporation in pursuance of the by-laws.

SEC. 5. The first meeting of this corporation may be called by any five of the corporators aforesaid by notice of the time and place thereof published in some newspaper in the city of Milwaukee, giving ten days notice of the time and place for holding the same, and all subsequent meetings shall be held in the manner to be prescribed in the by-laws of said corporation.

SEC. 6. Said corporation shall have power to convey to any person or persons by deed to be executed by the president and secretary under seal of said corporation the right of burial and erecting tombs cenotaphs or other ornaments on any designated lots or subdivisions and for no other purpose, subject to such rules and regulations as shall be prescribed by said corpor-

ation, they shall also have power to receive donations and subscriptions, and apply the same to the improvement or embellishment of the cemetery ground, or to the purchase of any ground for burial purposes.

SEC. 7. A plat of the ground owned and used by said corporation shall be recorded in the office of the register of deeds of Milwaukee county shewing all lots streets alleys and subdivisions made by said corporation, and they shall have power to erect such dwelling house thereon for the use thereof as they shall think proper, and any person who shall wilfully destroy or deface or in anywise injure or remove any tomb cenotaph railing, other ornaments or statuary, intended for protection or ornament or shall discharge a gun or other instrument or fire arms within said limits shall be deemed guilty of a misdemeanor, and upon conviction before any competent court, shall be punished by a fine of not less than five dollars nor more than one hundred dollars or imprisonment in the county jail not less than ten or more than ninety days: and furthermore shall be liable to said corporation in trespass to the full extent of the injuries sustained, and the fine so received shall be paid to said corporation for the use thereof to be expended in repairing said injury, and the embellishment of said ground.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 16, 1848.

NELSON DEWEY.

AN ACT to provide for laying out altering and discontinuing certain roads therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the territorial road leading from the state line

of Illinois to Mineral Point as lies between the said state line on section number thirty one in township number one, north of range nine east and the north east corner of section number sixteen (16) in township number one north of range number eight (8) east is hereby vacated and discontinued.

SEC. 2. So much of the territorial road leading from Madison in Dane county to Jefferson in Jefferson county as lies on section number eighteen (18) in township number six (6) north of range number fourteen (14) east in the county of Jefferson is hereby vacated and discontinued.

SEC. 3. So much of a territorial road leading from Prairieville (now Waukesha) to Fort Atkinson commencing at the junction of said road with the road running from North Prairie to Waterville on or near the section line between sections numbers eight and seventeen in the town of Ottawa Waukesha county and running from thence through the said town of Ottawa easterly to the line of the town between the towns of Ottawa and Genessee between sections thirteen in Ottawa and eighteen in Genessee is hereby vacated and discontinued: and that John Magee Joseph Moody and Joseph Williams are hereby appointed commissioners to lay out and establish a state road commencing at or near the section line between sections number eight and seventeen in said town of Ottawa running thence easterly as near as may be convenient on the section lines between said sections eight and seventeen until it reaches the town line between Ottawa and Genessee so as to intersect a road commonly called McClures road running through said town of Genessee or near said section line, until it intersects a road running from North Prairie to Waukesha in the town of Waukesha in said county on the most convenient and practicable route.

SEC. 4. Tisdale B. Pierce Franklin Giles and A. M. Hanchette are hereby appointed commissioners to lay out and establish a state road from Madison through Hanchettville in the county of Dane thence to or near Portland thence to Watertown in the county of Jefferson.

SEC. 5. George H. Bartholomew Nathan Hazen and Miami York are hereby authorized to lay out and establish a state road leading from Madison to intersect the military road leading from Prairie du Chien to Fort Winnebago to commence near the bridge over the Catfish east of Madison thence in a northwesterly direction on the best and shortest route towards Fort Winnebago.

SEC. 6. Henry Modlim David Dick and Joseph L. Moore are hereby appointed commissioners to lay out a state road from the church on the

military road in the town of Manchester and county of Calumet thence running east on the centre line of said town or as near as may be on the best ground to the east line of the Brothertown reservation and thence on the most direct rout to the village of Sheboygan in Sheboygan county.

SEC. 7. Bostwick O'Connor Rufus P. Harriman and Edward M. Soper, are hereby appointed commissioners to lay out a state road from Port Washington via Sheboygan village to the mouth of Manitowoc river in the county of Manitowoc.

SEC. 8. The road now traveled leading from Madison to Janesville via Fulton Mills, crossing section number four in township number four north range number eleven east on the north line of the county of Rock is hereby established and declared a public highway from Madison to the said north line of Rock county on section number four as aforesaid.

SEC. 9. James D. Jenkins Ephraim Knowlton and James Calloway are hereby appointed commissioners to review and relocate a state road running from Dodgeville in Iowa county to Wingville in Grant county.

SEC. 10. Stephen O. Payne Neely Gray and John Bevans are hereby appointed commissioners to review and relocate the territorial road leading from Osceola in Grant county to Belmont in La Fayette county commencing the review at a point where the said road intersects the south line of section sixteen town three range one west and terminating said review at Belmont in La Fayette county: and when the said review shall have been made and recorded in the office of the clerk of the board of county commissioners in Grant and La Fayette counties then so much of said old road as conflicted with the new location shall be vacated.

SEC. 11. If any territorial road shall have been laid by and under the authority of any law of the territory of Wisconsin and the commissioners appointed to lay out the same, shall not have made their returns within the time prescribed by law, such commissioners may make their returns at any time before the first day of January next.

SEC. 12. The commissioners appointed by this act are authorized to adopt so much of any territorial, county, or town road, as a part of any of the roads authorized to be laid out by this act as they may think expedient and proper.

SEC. 13. The commissioners appointed under the provisions of this act shall upon the performance of the work be entitled to such compensation for their said services as the county commissioners or supervisors, as

the case may be, of the counties where such services are performed, shall deem just and proper to be paid out of the county treasury of the said counties respectively.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 16, 1848.

NELSON DEWEY.

AN ACT in relation to a Territorial road from Madison to Whitewater.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the commissioners authorized by an act approved April 17th 1843 to lay out a territorial road from Madison to Whitewater are hereby sanctioned and legalized and said road laid out by them (as surveyed by L. P. Drake the minutes of which are signed by said Drake dated March 1st 1844 and now on file in the office of the secretary of state) is hereby declared and made a state road.

SEC. 2. The commissioners of highways of the county of Jefferson in each town through which the said road passes are hereby authorized and empowered to open repair and remove obstructions in said road in their respective towns in the same manner as is now provided by law for opening and repairing roads.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 17, 1848.

NELSON DEWEY.

AN ACT to provide for the election of Clerks of the Circuit Courts of this state.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected in each county and the several counties attached for judicial purposes, a clerk of the circuit court who shall enter into like bonds, and who shall perform the like duties as have been heretofore required by law to be performed by the clerks of the district court of the territory of Wisconsin: Before entering upon the duties of his office he shall take and subscribe an oath or affirmation faithfully to perform the duties of the office of clerk of the circuit court for the proper county and to support the constitution of the United States and of the state of Wisconsin.

SEC. 2. The election of clerks of the circuit court of the several counties aforesaid shall be held at the same time as the general election for state and county officers: The returns shall be made to the clerk of the board of supervisors or county commissioners of the proper county who shall canvass the same, and the person having the highest number of votes shall be declared duly elected, and the clerk of the board of supervisors or county commissioners shall make out and deliver to the person so elected a certificate of his election, and the term of service of the clerks to be elected under the provisions of this act shall commence on the first day of January next after their election and continue for two years and until their successors are elected and qualified.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 17, 1848.

NELSON DEWEY.

AN ACT amendatory to "an act to incorporate the Milwaukee and Waterford Plank Road Company," approved March 13th 1848.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Luther Parker, J. D. Reymert, Samuel C. Russ, Samuel E. Chapman, P. Potter, D. Merrill, Charles M. Goodsell and John E. Cameron are hereby appointed commissioners of the Milwaukee and Waterford Plank Road Company instead of those named in said act, with the same power and duties as conferred in said act upon the commissioners in said act.

SEC. 2. The capital stock of said company shall be seventy-five thousand dollars to be divided into shares of twenty-five dollars each, and as soon as six hundred shares of stock shall be subscribed, and two dollars on each share of stock actually paid in, and a statement shall be deposited with the secretary of state of Wisconsin and authenticated by the oath of the secretary of the company and two or more of the said commissioners, that such subscriptions and payments have been in good faith made the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby declared a body corporate and politic by the name and style of the Milwaukee and Waterford Plank Road Company with perpetual succession, and by that name shall have all the rights and privileges as conferred upon said company by the second section of the act to which this is amendatory.

SEC. 3. The said company shall have power to locate and construct a single or double track plank or Macadamized road commencing at such point in the city of Milwaukee as may be designated by the commissioners or board of directors and running thence on the most feasible and practicable route to such point in the town of Muskego as the company when formed shall select, from thence to the village of Waterford on Fox river: and the company shall also have power to make construct and erect side tracks, turn outs, and connecting tracks, and also all such gates, toll houses and

other works and appendages as may be necessary for the convenience of said company in the use of said plank road, and also to connect such plank road, and operate the same with other plank roads and branch of roads in the state of Wisconsin.

N. E. WHITESIDE,
Speaker of the Assembly.

J. E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 17, 1848.

NELSON DEWEY.

AN ACT to provide for the division of the several counties under the county system of government into towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. The board of county commissioners in all the counties in this state now under the county commissioner system of government shall meet on the second Tuesday of January next and divide their respective counties into convenient towns describing the same accurately and naming each town, and shall also designate some place in each town so set off at which the first town meetings shall be held.

SEC. 2. Immediately after such division shall have been made the clerk of the board of commissioners of each county aforesaid shall transmit under his hand and the seal of his county to the secretary of state at Madison a description of the towns so organized in this county with the name of each town and shall also record such description together with a plat of each town so organized in the journal of the board of county commissioners.

SEC. 3. The first town meetings in such towns shall be held on the first Tuesday of March next at the places designated in the several towns by the board of commissioners of each county and it shall be the duty of the clerk of each board of commissioners at least twenty days prior to said day of election to place in the hands of the sheriff of his county three written or printed notices specifying the time when and the place where said town meeting is to be held for the election of town officers and such sheriff shall post up such notices in three of the most public places in each town at least fifteen days previous to such election.

SEC. 4. The clerks of the board of county commissioners and the treasurers in the aforesaid counties shall continue to hold their respective offices until the next general election shall be holden in such counties and until their successors shall be chosen and qualified and shall be subject to the same rules and regulations as the clerks and treasurers now are or by law may be subject to in those counties now under the supervisor system of government.

SEC. 5. This act shall be in force and take effect from and after the first day of January next.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 17, 1848.

NELSON DEWEY.

AN ACT supplementary to an act entitled "an act to authorize the supervisors of the town of Watertown in the county of Jefferson to raise a tax to build a bridge across Rock River. The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The legal voters of the town of Watertown in the county of Jefferson are hereby authorized and empowered to vote for or against the levy of a tax of eight hundred dollars provided for by the act to which this act is supplementary which vote shall be taken on the Tuesday succeeding the first Monday in November next: on such ballots as are in favor of said tax shall be written or printed or partly written and partly printed the words "bridge tax: yes" on such ballots as are against said tax shall be written or printed or partly written and partly printed the words "bridge tax: no": If a majority of said votes shall be in favor of said tax then the supervisors of said town shall order said tax to be levied and collected within ninety days after said election; but if a majority of said votes shall be against said tax then it shall not be lawful to levy or collect any tax under said law.

SEC. 2. If a majority of said votes shall be in favor of said tax then the law to which this act is supplementary shall be in full force and effect and the said bridge shall be built in conformity to the said original act.

SEC. 3. All acts of the commissioners appointed by the act to which this act is supplementary and of all persons acting under said commissioners are hereby suspended until said vote shall have been taken; and if a majority of said votes shall be against said tax, then all monies collected by virtue of said law shall be refunded to the persons from whom the same was collected; and all work done by virtue of any contract under said law shall be agreed upon by the supervisors and the compensation therefor shall be paid out of the treasury of said town on the order of said supervisors.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 17, 1818.

NELSON PEWEY.

AN ACT reducing the fees of Register's of Deeds.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall after the first day of January next be allowed and paid by the person requiring such service to each register of deeds in the state the following and no other or greater fees to wit:—For recording all deeds mortgages or other papers or documents for each folio ten cents: For making a certified copy of any record for each folio ten cents: For searching the record and giving a certificate of the same twenty five cents :

Sec. 2. Every register of deeds within the state shall endorse upon all instruments by him received the time when it was received, the volume in which and the page where it is recorded, and shall keep an index, each page of which shall be divided into eight columns with heads to the respective columns in the following form to wit:

Date of reception.	Name of Grantor in alphabetical order.	Name of Grantee.	Description of land.
Name of instrument.	Volume and page recorded.	To whom delivered.	Fees received.

He shall make a correct entry under each of these respective heads of every instrument by him received, but in no case shall charge any fees or compensation for such entry and endorsement.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 18, 1848.

NELSON DEWEY.

**AN ACT to authorize the construction of a dam across the
Crawfish River.**

**The people of the State of Wisconsin, represented in Senate and
Assembly, do enact as follows:**

SECTION 1. Norman Pratt and his associates and assigns are hereby authorized and empowered to build and maintain a dam across Crawfish river in the county of Jefferson on any land owned by them on section four (4) town seven (7) north of range fourteen (14) east sufficient to create a head of not exceeding six feet and to make use of said water for Hydraulic purposes.

SEC. 2. The general law approved January 13th 1840 relating to "mill and mill dams" shall be and is hereby declared to be applicable to any dam which may be constructed by virtue of this act.

SEC. 3. The said Pratt his associates successors or assigns shall build or cause to be built and constructed a suitable slide or chute in such manner as to admit the passage of rafts over said dam as well as to permit the ascent and descent of fish in said stream; and as soon as said river shall be improved and rendered navigable to said dam, shall construct a suitable and convenient lock not less than ninety feet long between the gates and twenty feet wide in the clear of the chamber and shall attend the passage of all boats barges and other water craft through said lock free of all charge to the owner or owners thereof.

SEC. 4. All the provisions of section three of this act shall apply to each dam heretofore built or to be hereafter built or constructed in said Crawfish river, any law or custom to the contrary notwithstanding.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 18, 1848.

NELSON DEWEY.

AN ACT to alter a territorial road in the town of Hustisford.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of a territorial road as was established by Robert Black and others in June 1848 as is established between Hustisford and where it strikes the quarter line on section thirteen in said town is hereby vacated and the route of said road hereafter is established in the road established by Chester A Darley and others February 3d 1848 from Hustisford to where it intersects the town road established by the commissioners of highways of said town recorded March 2d 1848 thence following said town road to where it intersects the Hustisford and Milwaukee road as established in June 1848.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 18, 1848.

NELSON DEWEY.

AN ACT to authorize the Governor to locate certain lands granted to this state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Sec. 1. The governor of this state is hereby authorized to appoint one or more and not exceeding three commissioners to locate the seventy two

sections of land granted to this state by the fourth clause of section seven of an act entitled "an act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such state into the Union," approved August 6th 1846.

SEC. 2. The commissioner or commissioners appointed by virtue of this act shall perform their duties under the direction of the governor: He may revoke their appointments at pleasure, and they shall each receive three dollars for every day actually and necessarily spent in performing the duties required by this act, and they shall certify under oath the number of days so employed.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 18, 1848.

NELSON DEWEY.

AN ACT to incorporate the Baptist Society of Whitewater and legalize the acts of said society.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. John Woodbury, J. L. Lain, Azel Kinney, and Isaac B. Decker Trustees and their associates and successors are hereby created a body corporate and politic with perpetual succession by the name of "The Baptist Society of Whitewater" and by that name shall be competent to contract and be contracted with sue and be sued, to answer and be answered unto in all courts of law and equity, to purchase hold possess and enjoy any real estate for the site for a church or house of public worship, and suitable yards or grounds for the same and for a parsonage and to erect all

such buildings thereon proper and suitable for such church or house of worship and parsonage and to purchase take by gift or devise or otherwise any real estate or other property and to sell and dispose of or lease the same both real and personal : provided the annual income of such property shall not exceed two thousand dollars : and provided also that nothing herein contained shall authorize the corporation hereby created to purchase sell or deal in any property except for purposes connected with their house of public worship, and the grounds attached thereto, and the completing repairing or re-building the same and the necessary fixtures thereto together with a parsonage and such other matters and things as are connected therewith.

SEC. 2. The said trustees and their successors in office shall have power to sell or rent or otherwise dispose of all slips pews and seats in any such church or house of worship and give a quit claim deed or lease of the same and to employ and contract for the services of a minister elder or clergyman whenever they shall be so directed by a vote of the said society and to sue for and collect all subscriptions rents demands and dues of said society and to manage all the fiscal concerns of the same in the name of said society.

SEC. 3. The said trustees and their successors in office shall have the same right privilege and power to improve and defend such lands or other property (as provided for in the first section of this act) in law and equity, that individuals have to improve and defend their individual property, and any quit claim deed or lease which the trustees may give to any individual for any slip pew or seat shall not be so construed as to take away the control of the land buildings or other property from the trustees.

SEC. 4. Any three of the trustees as above named or their successors in office shall have power to call a meeting of said society by giving at least six days notice thereof by posting up notices in such places as the said society shall direct, the first shall be by posting up three notices in the most public places in the village of Whitewater, said notices to contain the place where and the time when such meeting is to be held.

SEC. 5. Said society shall have power to form a constitution and enact by-laws for its government, to prescribe the number and title of its officers and to define their powers and duties, and such other things as may be necessary for governing and promoting the interest of said society not inconsistent with the laws of this state or of the United States.

SEC. 6. Said society shall keep a full and complete record of all ordinances by-laws rules and regulations made by them and of all notices elections and the names of all such persons as shall become or be elected officers of said society and of all monies received paid out or expended by them or either of them in or about the affairs of said society, which said records shall always be open for inspection and examination of the members of said society and shall be received in all courts as competent evidence of the facts therein stated.

SEC. 7. All officers of this society shall hold their respective offices for one year and until others are chosen or elected in their stead except the trustees who shall hold their offices as the said society shall direct.

SEC. 8. All the acts of the trustees of the Baptist society of White-water since the eighteenth day of January in the year of our Lord one thousand eight hundred and forty five, are hereby sanctioned and all the contracts heretofore made by said society or the trustees of the same with any person or persons are hereby declared to be binding and of full force and effect on the said person or persons and the society hereby incorporated: provided such acts or contracts are not inconsistent with the laws and constitution of this state or of the United States.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 18, 1848.

NELSON DEWEY.

AN ACT to incorporate the Sinsinawa Female Academy.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Seraphina McNulty, Emiline Ruteen, Clora Conway

Elizabeth Disney and their associates and successors are hereby created a body corporate and politic for educational purposes by the name of "Sinsinawa Female Academy" and by that name to remain in perpetual succession with full power to sue and be sued, to acquire hold and convey property real and personal; and to make by laws as they shall judge necessary for the government of their academy: Provided such by-laws are not inconsistent with the constitution and laws of the United States or of this state, and to appoint all officers for the same.

Sec. 2. The board of trustees of Sinsinawa female academy shall consist of three members with power to increase their number to five: and three of them shall be a quorum for the transaction of business.

Sec. 3. Said female academy shall be erected in the vicinity of Sinsinawa N'ound Grant county Wisconsin.

Sec. 4. This female academy in its corporate name may hold real estate not to exceed the value of twenty thousand dollars.

Sec. 5. This act may be altered amended or repealed by any future legislature of the state of Wisconsin.

Sec. 6. No religious tenets or opinions shall be requisite to entitle any person to be admitted as a student in said academy, and no student of said academy shall be required to attend religious worship in any particular denomination.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 18, 1848.

NELSON DEWEY.

AN ACT to authorize Rosepha Ann Tripp to cause to be made a re-survey and a new plat of the village of Whitewater.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Rosepha Ann Tripp is hereby authorized and empowered to cause to be made a re-survey of the village of Whitewater in the county of Walworth and a true and certified map or plat of said village when so surveyed to be made and recorded in the office of the register of deeds in said county of Walworth.

SEC. 2. Said record when made pursuant to the preceding section shall be for all purposes a legal valid plat; and said record or a certified copy thereof shall be received in all courts as evidence to establish the lines or boundaries of lots blocks streets and alleys in said village.

N. E. WHITEHIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 1st, 1848.

NELSON DEWEY.

AN ACT to establish the times of holding Circuit Courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the state be divided into five judicial circuits to be composed as follows: The first circuit shall comprise the counties of Racine Walworth Rock and Green. The second circuit the counties of Mil-

Waukesha, Waubesa, Jefferson and Dane. The third circuit shall embrace the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage. The fourth circuit shall embrace the counties of Sheboygan, Manitowish, Brown, Winnebago, Calumet and Fond du Lac. The fifth circuit shall embrace the counties of Iowa, La Fayette, Grant, Trempealeau, Lincoln and Dodge. Any circuit shall be attached to the county of Lincoln as aforesaid. The provisions of the act of the 1st of March 1837, and the act of the 1st of March 1838, shall be in full force and effect in the counties of Sheboygan, Manitowish, Brown, Winnebago, Calumet and Fond du Lac and the county of Adams in the event of their being made permanent and otherwise provided in this act.

Sec. 2. The judicial circuit courts of the state of Wisconsin shall be held at the times and places following to wit:

In the county of Washington on the first Monday in April and third Monday in October of every year.

In the county of Dodge on the first Monday in April and first Monday in September of every year.

In the county of Columbia on the first Monday in March and third Monday in September of every year.

In the county of Marquette on the first Monday in March and first Monday in September of every year.

The judicial circuit court of the state of Wisconsin shall be held at the times and places following to wit:

In the county of Jefferson on the first Monday in May and fourth Monday in September of every year.

In the county of Portage on the fourth Monday in March and second Monday in November of every year.

In the county of Lincoln on the second Monday in April and second Monday in October of every year.

In the county of Adams on the second Monday in March and fourth Monday in September of every year.

Sec. 3. The fact shall constitute of the state of Wisconsin shall be held at the times and places following to wit:

In the county of Washington on the fourth Monday in May and fourth Monday in October

In the county of Dodge on the second Monday in May and third Monday in November

In the county of Columbia on the second Monday in April and first Monday in October.

In the county of Marquette on the first Monday in April and fourth Monday in September.

In the county of Sauk on the fourth Monday in March and second Monday in September.

In the county of Portage on the second Monday in March and last Monday in August.

SEC. 5. The fourth circuit court of the state of Wisconsin shall be holden at the times and places following, to wit :

In the county of Sheboygan on the first Monday in March and second Monday in September of each year.

In the county of Manitowoc on the third Monday in March and fourth Monday in September of each year.

In the county of Brown on the fourth Monday in March and first Monday in October of each year.

In the county of Winnebago on the second Monday in April and third Monday in October of each year.

In the county of Fond du Lac on the third Monday in April and fourth Monday in October of each year.

SEC. 6. The fifth circuit court of the state of Wisconsin shall be holden at the times and places following, to wit :

In the county of Iowa on the first Monday in April and third Monday in October of each year.

In the county of Grant on the third Monday in March and first Monday in October of each year.

In the county of La Fayette on the first Monday in March and third Monday in September of each year.

In the county of Crawford on the first Monday in May and the second Monday in November of each year.

SEC. 7. All writs, summons, process, indictments, recognizances and other proceedings made returnable at the terms of the district courts of the territory of Wisconsin, and all writs issued and tested in the name of the state of Wisconsin shall be deemed and considered as returnable at the terms of the circuit courts fixed by this legislature and all adjournments, appearances, continuances, motions and notices of any proceedings in said district courts which are made or taken to any subsequent term of said

courts shall be held to be made and taken for the terms of the circuit courts fixed by this legislature.

SEC. 8. The clerks of the several district courts now in office, shall continue to act as clerks of the circuit courts until superseded by clerks elected in pursuance of the constitution of this state and all acts done and performed by such clerks shall be as valid and effectual as if the said clerks were elected.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to authorize the discontinuance or alteration of certain territorial roads.

The people of the state of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. George N. Doolittle, David R. Hyer and John Twining are hereby appointed commissioners to alter or discontinue a territorial road from Clinton to Waterloo or such portion of said road as said commissioners shall think proper to alter or discontinue.

SEC. 2. Thomas Lannon, Garret M. Fitzgerald and Anson H. Taylor are hereby appointed commissioners to vacate or alter so much of a territorial road leading from Racine to Prairieville as runs through the town of Franklin Milwaukee county and the town of Muskego Waukesha county or any part thereof as said commissioners shall think proper.

SEC. 3. J. E. Arnold, John Peter Rose and Harmon Gruby are hereby appointed commissioners to alter or discontinue so much of a territorial

road leading from Hustis Rapids in Dodge county to Piperville in Jefferson county as they may think to be necessary to be altered or discontinued.

Sec. 4. All that part of a territorial road leading from Watertown to intersect the Hustisford and Mille Lac road lying in section number two town number nine range number sixteen is hereby discontinued.

Sec. 5. All that part of a territorial road from Columbus to Green Lake (in Marquette county) which lies north of the twenty-sixth mile stake is hereby vacated.

Sec. 6. All that part of a territorial road established by act of the Legislature passed in the year 1845 from Isaac Noyes in Dodge county to Seymour Wilcox's in Fond du Lac county lying between David Drakes and the intersection of said road with a road leading from M. B. Halls to Waupun is hereby vacated.

Sec. 7. The commissioners of highways of the towns of Mukwonago and Genesee in county of Waukesha are authorized to alter so much of the territorial road leading from Waukesha to Mukwonago as runs through sections ten and three in the town of Mukwonago and through a part of section thirty four in the town of Genesee.

Sec. 8. Hiram E. Coon, John Fish and William Bradbury are hereby appointed commissioners to alter so much of the territorial road from Fort Atkinson to Prairieville via Whitewater and Tammyra on section thirty-three town five, range sixteen as they may deem expedient: Provided, the persons interested in such alteration shall pay said commissioners for their services.

Sec. 9. Nothing in this act shall be construed as to make the state liable for any damages or expenses occasioned by the discontinuance relocation or alteration of any road herein mentioned.

Sec. 10. The commissioners of highways in the several towns of this state under the township system of government and the county commissioners in those counties under the county system, are hereby appointed commissioners with full power to alter or vacate any portion of any territorial road in their respective towns and counties subject to an appeal to the board of county supervisors.

N. E. WHITESIDE,
Speaker of the Assembly.
J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1859.

NELSON DEWEY

AN ACT to amend an act entitled "an act to punish trespass on lands, approved January 27, 1844.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the proviso in the first section of an act entitled "an act to punish trespass on lands" approved January 27, 1844, be so amended as to give justices of the peace jurisdiction in all cases mentioned in said act to the amount of one hundred dollars.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to repeal an act entitled "an act to vacate a part of a territorial road from Burlington to Delavan approved March 6th 1848, to re-establish said road and to provide for the appraisement of damages thereon and for opening the same.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. An act entitled "an act to vacate a part of a territorial road from Burlington to Delavan" approved March 6th 1848 is hereby repealed and that portion of said road so vacated is hereby re-established to

all intents and purposes as it was immediately previous to the passage of said act.

SEC. 2. Any person over whose land the said road re-established by this act passes may have the same remedy for the appraisal and collection of damages as is now given by law to those persons over whose lands town roads may be laid, and it is hereby made the duty of the highway commissioners of the town of Hudson in Wa worth county upon the application of any such person to make such appraisal of damages, and grant a certificate thereof to the applicant.

SEC. 3. The commissioners of highways of said town of Hudson or a majority of them are hereby authorized and directed to notify the owners or occupants of any land through which the said road, re-established by this bill passes, to remove any and all obstructions to said road on their premises and in case any obstructions shall be found in said road at the expiration of thirty days from the time of giving such notice then it shall be the duty of the said commissioners or a majority of them to remove the same or cause them to be removed in a summary manner.

SEC. 4. All and ever part of said territorial road is hereby declared a legal highway to all intents and purposes upon the line designated by the commissioners appointed by the act authorizing the laying out of said territorial road, and all acts and doings of said commissioners are hereby ratified and said road as by them located is hereby confirmed.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to amend an act to punish trespass on land.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of an act entitled "an act to punish trespass on land, approved January 27th 1844 as makes it a misdemeanor for any person to dig or carry away any mineral, earth or stone from reserved lands therein named is hereby made applicable to lands owned by any individual or individuals, and the penalty thereby incurred, where it has been done without the consent of the owner or owners thereof shall be the same as is provided in said act.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT amendatory to an act entitled "an act to authorize the levy of a special tax in the Fifth Ward of the City of Milwaukee, approved March 11th 1848.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee are hereby authorized to levy and collect a special tax on the city lots lying on any street or part of a street in said Fifth Ward for the purpose of grading or

gravelling any such street or part of a street in proportion to the cost of such street in front of such lot or lots : provided, that no engineers expenses shall be specially charged on such lot or lots: and provided further that the owner or owners of such lot or lots shall have the right to construct such street within a reasonable time which time shall be determined by the common council.

SEC. 2. Where the general interest of the city requires deep cutting or extraordinary filling and the owners of lots fronting on such deep cutting or filling shall feel themselves aggrieved thereby the common council shall on petition of the owners requiring the city marshal to summon a jury of twelve good freeholders not residents of the Fifth Ward, who shall carefully examine the same, and if in their opinion the lots fronting on such deep cutting or filling will be injured by such grade it shall be their duty to make report to the common council how much of the tax (if any) the owner or owners of lots so situated should be exempt from paying: provided always that the owner or owners must petition within ten days after the assessment of the said tax shall have been made.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT to authorize the trustees of school district number two Dane county to levy a tax to build a school house.
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the trustees of school district num-

ber two in the town of Sun Prairie Dane county to levy and collect a tax on the assessment roll of said district to the amount of four hundred and twenty-five dollars for the purpose of building a school house in said district, but it shall be lawful for the said trustees to collect only two hundred dollars in the year eighteen hundred and forty-eight and the balance of said sum in the year eighteen hundred and forty-nine : Provided that such tax shall first be authorized by a vote of a majority of the legal voters of said school district liable to pay said tax at a meeting called for that purpose, due notice of said meeting being given by the trustees of said district.

SEC. 2. The said tax shall be levied collected and returned in the same manner as is now provided by law for the collection of taxes for building school houses.

N, E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT to vacate a part of the town of Exeter in the county of Green.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION. 1. Mineral street and all the streets and alleys and parts of streets and alleys together with all lots and fractional lots north of the same; also fourth street and all streets and alleys and parts of streets and alleys together with all lots and fractional lots east of the same, also all the streets and alleys and parts of streets and alleys together with all lots and fractional lots south of Green street except fractional block number

twenty-one (21) as laid down in the recorded plat of said town of Exeter, are hereby vacated.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT to incorporate the Madison and Beloit Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. George H. Slaughter, Thomas W. Sutherland, Thomas T. Whittlesey, Nathaniel W. Dean, Daniel B. Sneden, David L. Mills, Joseph B. Doe, A. Hyatt Smith, Edward V. Whiton, W. H. H. Bailey, Timothy Jackman, David Noggle, Alfred Field and John Hackett, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed their assessors and assigns are hereby created a body corporate by the name of the "Madison and Beloit Railroad Company," and by that name shall be and are hereby made capable in law to purchase hold and enjoy and retain to them and their successors lands tenements and hereditaments so far as may be necessary for the purpose of said railroad and the same to sell grant rent or in any manner dispose of, to contract and be contracted with to sue and be sued implead and be impleaded, answer and be answered, defend and be defended and also to make have and use a common seal, the same to alter break or renew at their pleasure : and if either of the persons named in this section shall die refuse or neglect to execute the powers and discharge the duties hereby

created, it shall be the duty of the remaining persons hereinbefore named or a majority of them to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

SEC. 2. The said corporation are hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route whereon to construct a railroad; and shall cause an estimate to be made of the probable cost thereof for each mile separately, and the said corporation shall be and they are hereby invested with the right to construct a road with one or more railways or tracts from some convenient point in the village of Deloit in the county of Rock to the village of Janesville and thence to some convenient point of termination in the village of Madison in the county of Dane.

SEC. 3. The capital stock of said corporation shall be three hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and five dollars on each share shall be paid at the time of subscribing.

SEC. 4. The above named persons or a majority of them are authorized to open books for receiving subscriptions to the capital stock of said company and shall prescribe the form of such subscription, which books shall be opened within eighteen months from the passage of said act, at such place or places as they may deem expedient, by giving thirty days notice in some newspaper printed in the county of Dane or Rock and in such other place or places as may be thought advisable of the time and place or times and places of opening said books the said books to be kept open thirty days.

SEC. 5. So soon as said stock or thirty thousand dollars thereof shall have been subscribed the above named persons or the same number thereof as shall have given the notice above required shall give like notice for the meeting of the stockholders to choose directors at some time at least thirty days thereafter and at some place within the said counties of Dane and Rock, and if at such time and place the holders of one half or more of said stock subscribed, shall attend either in person or by lawful proxy, they shall proceed to choose from the stockholders by ballot nine directors each share of capital stock entitling the the owner to one vote, and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred, or any three of them if no more be present, shall be inspectors of such election, and shall

certify in writing signed by them or a majority of them, what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors at which meeting five shall form a board competent to transact all business of the company and thereafter a new election of directors shall be made annually at such time and places as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election then it shall be holden in the succeeding year on the same day of the same month on which said first election was holden unless the same shall be on the first day of the week, in which case it shall be holden on the day next succeeding: and if no election be made on the day appointed, said company shall not be disso'ved but such election may be made at any time appointed by the by-laws of said company: the said directors shall elect one of their number president, and shall appoint a secretary, treasurer, such engineers and other officers as they may find necessary, shall fix their compensation and may require adequate security for the performance of their respective trusts.

SEC. 6. The directors may receive payment to the subscriptions to the capital stock at such time in such proportion not exceeding twenty five per cent. at any one instalment under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payments thereon or otherwise: Provided they shall never require the payment to be made at any place out of the counties through which said road shall pass: And such directors shall at least thirty days previous to the appointed time of such required payment give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

SEC. 7. The directors of said company shall have power to make from time to time all needful rules regulations and by-laws touching the business of said company, and to determine the number of tracks and railways upon said road and the width thereof and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same for such transportation, and to fix penalties for the breach of any such rules regulations or by-laws, and to direct the mode

and condition of transferring the stock of said company and penalties provided for by the said by-laws may be sued for by any person authorized thereby in the name of said company and recover in an action of debt before any court having jurisdiction of the amount. and the said company may erect and maintain toll houses and such other buildings and fixtures as the accommodation of those using said road may require.

SEC. 8. The said company shall have the right to enter upon any lands, to survey and lay down said road not exceeding one hundred feet in width and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company; as to the compensation to be paid therefor the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors insane persons or married women, the guardian or guardians of such minor or minors and insane persons and the husband of such married woman may select for themselves an arbitrator and the company shall select an arbitrator and the two thus selected shall take to themselves a third who shall be sworn and paid by said company as arbitrators between the parties, and render copies of their award to each of the parties in writing from which award either party may appeal to the court of proper jurisdiction for the county in which such land or materials may have been situate, and in all cases in which compensation shall in any manner be claimed for lands where there has been no improvement made, it shall be the duty of the arbitrators and court to award a fair compensation for said lands and materials, and appeals in such cases shall when taken, be in all respects proceeded in as appeals in other cases in said court and brought into said court by filing the award with the clerk of said court whose duty it shall be to enter the same on the docket of said court setting down the claimant or claimants as plaintiff and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, any said company shall have the same right to retain own hold and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed as long as the same shall be used for the purposes of said road.

SEC. 9. The said company may construct the said rail road across any public or private road highway stream of water or water course if the same shall be necessary, but the said company shall restore such road highway stream of water or water course to its former state or in a sufficient

manner not to impair the usefulness of said road highway water or water course to the owner or to the public.

Sec. 10. All persons paying the toll aforesaid may with suitable and proper carriages use and travel upon said road, always subject however to such rules and regulations as said company are authorized to make by the seventh section of this act.

Sec. 11. So soon as the amount of tolls accruing and received from the use of said road or part thereof according to the provisions of this act shall exceed six per cent upon the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company the directors of said company shall make a dividend of such nett profits among the stockholders in proportion to their respective shares and no accumulative fund exceeding one per cent of the profits of said company shall remain undivided for more than six months.

Sec. 12. If any person or persons shall wilfully obstruct or in any way spoil injure or destroy said road or any thing belonging or incident thereto or any materials to be used in the construction thereof or any building fixture or carriage erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in action of debt in any court having jurisdiction of the amount.

Sec. 13. Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual it shall be the duty of said company to provide for said individual proper waggon ways, it shall be liable to such individual in treble the amount of damages occasioned by such neglect.

N. E. WHITESIDE,
Speaker of the Assembly.

J. E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to incorporate the Beloit and Taycheedah Rail Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Alfred Field, John Hackett, A. Hyatt Smith, Timothy Jackman, Milo Jones, Dwight Foster, John Van Epps, Hiram Barber, Alonzo Wing, William Sanborn, John C. Gilman, Luther A. Cole, Alvin Foster, Charles Geisse, Mason C. Darling, R. M. Sweet, Charles S. Wright, D. A. McKenzie, Samuel Hale, together with such other persons as may hereafter become associated with them as subscribers to the capital stock of this corporation, in the manner hereinafter prescribed their successors and assigns are hereby created a body corporate by the name of the "Beloit and Taycheedah Rail Road Company" and by that name shall be and are hereby made capable in law to purchase hold enjoy and retain to them and their successors lands tenement and hereditaments as far as may be necessary for the purpose of said rail road and the same to sell grant rent or in any manner to dispose of: to contract and be contracted with: to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended; and also to make and use a common seal, the same to alter break or renew at their pleasure; and if either of the persons named in this section shall die refuse or neglect to execute the powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named or a majority of them to perform the duties required by this act.

SEC. 2. Said corporation are hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous rout to construct a railroad and shall cause an estimate to be made of the probable cost thereof for each mile seperately: and the corporation shall be and they are hereby invested with the right to construct a railroad with one or more rail ways or tracks from or near the town of Beloit in the county of Rock on the most practicable rout to Taycheedah in the county of Fond du Lac touching at the intermediate points Janesville, Fort Atkinson, Jefferson and Watertown along and up the valley of the Rock river.

SEC. 3. The capital stock of said corporation shall be eight hundred thousand dollars and shall be divided into shares of fifty dollars each, and five dollars on each share shall be paid at the time of subscribing.

SEC. 4. The persons named in the first section of this act or a majority of them are authorized to open books for receiving subscriptions to the capital stock of said company and shall prescribe the form of such subscription, which book shall be opened within eighteen months from the passage of this act at such place or places as they may deem expedient by giving sixty days notice in at least three of the newspapers printed in the state of Wisconsin and such others as may be thought advisable of the time and place or times and places of opening said books.

SEC. 5. So soon as said stock or one hundred thousand dollars thereof shall have been subscribed the above named persons or the same number thereof as shall have given the notice above required shall give like notice for the meeting of the stockholders to choose directors at some time at least thirty days thereafter, and at some place within the counties of Rock, Jefferson, Dodge or Fond du Lac: and if at such time and place the holders of one half or more of said stock subscribed shall attend either in person or by lawful proxy they shall proceed to choose from the stockholders by ballot twelve directors each share of capital stock entitling the owner to one vote: and at such election the persons named in the first section of this act or those appointed by its provisions to fill vacancies which may have occurred or any three of them if no more be present shall be inspectors of such elections, and shall certify in writing signed by them or a majority of them what persons are elected directors: and if two or more have an equal number of votes such directors or inspectors shall determine by lot which of them shall be directors to complete the number required and shall certify the same in like manner; and such inspectors shall appoint the time and place of holding the first meeting of directors, of which meeting seven shall form a quorum competent to transact all business of the company and thereafter a new election of directors shall be made annually at such time and place: if the stockholders at their first meeting shall fail to appoint the day of such election then it shall be holden in the succeeding year on the same day of the same month on which said election was holden unless the same shall be on the first day of the week in which case it shall be holden on the day next succeeding: and if no election be made on the day appointed by the by-laws of said company, the directors chosen at

any election shall as soon as may be thereafter choose of their own number one person to be president and another to be secretary of said company and from time to time may choose such other officers as by their by-laws they may designate as necessary.

SEC. 6. The directors may require payment on the subscriptions to the capital stock at such time and in such proportion and under such conditions as they shall deem fit under the penalty of a forfeiture of all previous payments thereon or otherwise: provided, they shall never require payment to be made at any place out of the counties through which such railroad shall pass not exceeding ten per cent on the stock subscribed at any one time: and such directors shall at least thirty days previous to the appointed time of such required payment give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

SEC. 7. The directors of said company shall have power to make from time to time all needful rules regulations and by-laws touching the business of said company, and to determine the number of tracks and railways upon said road and the width thereof, and the description of carriages which may be used thereon: also the said company shall have power to transport take and carry property and persons by the power and force of steam or animals or any mechanical or other power or any combination of them to regulate the time and manner in which passengers and goods shall be transported thereon, the manner of collecting tolls for such transportation and to fix penalties for the breach of any such rules regulations or by-laws and to direct the mode and condition of transferring the stock of said company: and penalties provided for by the said by-laws may be sued for by any person authorized thereto in the name of said company and recovered in an action of debt before any court having jurisdiction of the amount and the said company may erect and maintain toll houses and such other buildings and fixtures for the accommodation of said road as they may deem in any way necessary for their interest and convenience.

SEC. 8. The said company shall have the right to enter upon any lands to survey and lay down said road (not exceeding one hundred feet in width) and to take any stone or gravel necessary for the construction of said road and whenever any lands or materials shall be taken for the construction of said road, and the same shall not be given or granted to said company, as to the compensation to be paid therefor, the person or persons

claiming compensation as aforesaid, or if the owner or owners thereof are minors insane persons or married women, the guardian or guardians of such minor or minors and insane persons and the husband of such married woman may select for themselves an arbitrator and the company shall select an arbitrator and the two thus selected shall take to themselves a third who shall be sworn and paid as arbitrators between the parties and render copies of their award to each of the parties in writing from which award either party may appeal to the court of proper jurisdiction for the county in which such lands or materials may have been situate, and in all cases in which compensation shall in any manner be claimed for lands or materials said arbitrators and court in estimating such compensation shall not take into consideration any benefit or advantage which the location and construction of said road may give to said claimant, and appeals in such cases shall when taken be in all respects proceeded in as appeals in other cases to said court and brought into said court by filing the award with the clerk of said court whose duty it shall be to enter the same on the docket of said court setting down the claimant or claimants as plaintiff and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company shall have the same right to retain own hold and to possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed as long as the same shall be used for the purpose of said road.

Sec. 9. Said company may construct the said rail road across any public or private road highway improved field streams of water or water course, if the same shall be necessary; but the said company shall restore such road highway improved field stream of water or water course to its former state, or shall leave it in such condition as will least impair the usefulness of said road highway improved field stream of water or water course to the owner or to the public.

Sec. 10. On the completion of said rail road or any portion of the track not less than ten miles it shall and may be lawful for the said company to demand and receive such sum and sums of money for passage and freight of persons and property as they shall from time to time think reasonable: provided, that the legislature of this state shall have the right to alter or reduce said tolls, not however so that the profits of the said company shall be less than twelve per cent upon the capital stock invested; and the said company shall annually report to the legislature the expendi-

tures of said company, the amount of tolls received, and the amount of capital stock invested which report shall be sworn to by the president of said rail road company.

• SEC. 11. All persons paying the toll aforesaid may with suitable and proper carriages use and travel upon said roads always subject however to such rules and regulations as said company are authorized to make by the seventh section of this act.

SEC. 12. So soon as the amount of toll accruing and received for the use of said road or part thereof according to the provisions of this act, shall exceed five per cent on the amount of said capital stock paid in after deducting therefrom the expenses and liabilities of said company, the directors of said company shall make a dividend of such nett profits among the stockholders in proportion to their respective shares, and no accumulative fund exceeding one per cent of the profits of said company shall remain undivided for more than six months.

SEC. 13. If any person or persons shall wilfully obstruct or in any way spoil injure or destroy said road or any things belonging or incident thereto or any materials to be used in the construction thereof, or any building fixture or carriage erected or constructed for the use or conveyance thereof, such person shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in an action of debt in any court having jurisdiction of the amount.

SEC. 14. Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual it shall be the duty of said company to provide for said individual proper waggon ways, and in case they shall neglect to provide such waggon ways, said company shall be liable to such individual in double the amount of damages occasioned by such neglect.

SEC. 15. The company created by this act shall be subject to the provisions of such general laws as may hereafter be enacted for the formation of corporations for the purpose of constructing rail roads pursuant to article ninth of the constitution.

SEC. 16. The first meeting of said board shall be held at the village of Watertown in Jefferson county and may be called by any six of the persons named in the first section of this act; and may adjourn from time to time as the interests of said company may require, and a majority of said per-

sons or commissioners present at any meeting shall be a quorum to transact any business authorized by this act.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to legalize the acts of School Commissioners in the towns of Merton and Lisbon, Waukesha county and of joint school district number one in the town of Bradford in Rock county and Darien in Walworth county.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. The acts of the commissioners of common schools of the towns of Merton and Lisbon in forming school district number six in Merton Waukesha county and the organization of said district and all acts of the legal and qualified voters of said district are hereby legalized and confirmed.

Sec. 2. The acts and doings of the commissioners of common schools of the towns of Bradford in Rock county and Darien in Walworth county are hereby ratified and confirmed in the organizing of joint school district number one in said towns of Bradford and Darien composed of sections one and two and the east half of sections three ten eleven and twelve in town two north of range fourteen east and the west half of the west half of section six, and the west half of the north west quarter of section seven town two north of range fifteen east : and the trustees of said district are hereby authorized to issue their warrant for the collection of the tax voted

by the inhabitants of said district during the years one thousand eight hundred and forty six and one thousand eight hundred and forty seven which may remain due and unpaid at the passage of this act, which warrant shall have the same force and effect as the same would have had if said warrant had been issued immediately upon the voting of said tax.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to repeal an act entitled "an act to provide for the election of Territorial Printer" approved February 22d, 1845.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "an act to provide for the election of a Territorial Printer" approved February 22d, 1845, is hereby repealed.

N. E. WHITESIDE,

Speaker of the Assembly

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to legalize certain roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. A certain highway in the town of Pleasant Prairie commencing on the east line of section number six, six chains north of the quarter stake on said east line and running thence westerly to the bridge on Eau Plaine river which said highway was laid out by the highway commissioners of said town on the twenty seventh day of May one thousand eight hundred and forty three and a survey thereof recorded in the office of the town clerk of said town on the tenth day of October of the same year is hereby declared to be a legal highway.

SEC. 2. A certain territorial road from Madison to Waupun laid out by J. P. Brower, S. Wilcox and E. Dicckinson commissioners under the act of the legislature authorizing said road to be laid out approved February 19th 1841 is hereby legalized and declared to be of the same force and virtue as if the survey of said road had been filed in the office of the secretary of the territory.

AN ACT to provide that notice of intended application to the legislature be given in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. If any person or persons shall be disposed to make application to the legislature of this state for the purpose of obtaining a law for the establishment or removal of the county seat of any county or for the alteration of any boundary line between two or more townships or counties

or for the erection of any new town or county or for the construction of a bridge or for the establishment of any ferry over any navigable waters in this state or for the revival extension addition or for any other modification of the powers of any corporation whether municipal or otherwise or for any alteration or modification of the charter or act of incorporation thereof it shall be the duty of the person or persons or corporation intending to make such application to signify such intention by advertisement to be inserted in one or more newspapers published in the county or counties in which the line or lines so proposed to be altered or said proposed new county seat or bridge or ferry or township or county or any part thereof shall lie or in which such corporation if municipal shall lie or if otherwise where in may be the principal seat of the business of such corporation, for six successive weeks preceding such application; and that due proof shall be made of such notice previous to leave being given to bring in any bill to comply with the prayer of such application: provided that if there be no newspapers in such county or counties then publication as aforesaid in the nearest newspaper or newspapers shall be deemed sufficient; or by posting up three written or printed notices in such county or counties.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT additional to "an act to incorporate the City of Milwaukee" approved January 31st 1846.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the common council of the city of

Milwaukee to levy in addition to the taxes now authorized to be raised a tax not exceeding one per centum per annum on all taxable property of said city for the purpose of constructing a harbor and building piers at Centre street in said city and for dredging the Milwaukee river; said tax to be levied yearly until said harbor piers and dredging shall be completed, the said taxes shall be collected in the same manner as other city taxes are collected.

Sec. 2. Before levying the tax mentioned in the preceding section, an election shall be held in the several wards of said city, at such time and place as the common council of said city may designate, the mayor of said city first giving two weeks public notice of the time, place and purpose of said election, at which election all white male residents of the city of Milwaukee who have paid or may be liable to pay taxes on real or personal property shall be entitled to vote in their respective wards for or against the levy of said tax: the ballots shall be written or printed to the following effect "For harbor tax" or "Against harbor tax".

Sec. 3. The returns of said election shall be made within two days from the time of holding the same to the clerk of the common council of said city; said election shall be otherwise conducted in the same manner as elections for city officers and if it shall appear after the return and canvass of the votes cast at said election that each ward of said city has given a majority of votes for said harbor tax, the mayor and aldermen of the city of Milwaukee or a majority of them in common council assembled shall have power and authority to levy said tax as provided for in the first section of this act.

Sec. 4. On the return and canvass of the votes cast at said election if it shall appear that any ward or wards have not cast a majority of votes in favor of said harbor tax it shall and may be lawful for the aldermen of the ward or wards voting in favor of the same to levy said tax, in the wards casting a majority of votes for the same as is provided for in the first section of this act.

Sec. 5. Any tax levied by virtue of the provisions of this act shall be legal and binding—anything in the thirty second or forty eighth section of an act to incorporate the city of Milwaukee approved January 31st 1846 to the contrary notwithstanding.

Sec. 6. Any inspector or inspectors of the elections herein provided for who shall wilfully refuse or neglect to make full returns to the clerk of

the common council of said city, of all the votes cast at said election as here-
inbefore provided for shall be subject to a fine of five hundred dollars each :
the same to be sued for and recovered in the name of the state of Wisconsin
and when collected to be paid into the state treasury for the benefit of
the school fund.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to amend an act entitled "an act to amend an act con-
cerning proceedings in Courts of Record and for other purpo-
ses passed the 27th day of January 1844.

The people of the state of Wisconsin represented in Senate and
Assembly, do enact as follows :

SECTION 1. Section four of an act entitled "an act to amend the act
concerning proceedings in courts of record and for other purposes" passed
January 27th 1844, shall be so amended that no party shall have execu-
tion as provided in said section without serving a written notice of such ap-
plication upon the opposite party his agent or attorney at least twenty
days before the term of the court at which such application shall be made.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT relative to Printing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized and required within two weeks of the close of every regular session of the legislature to advertise for four weeks successively in four different papers published in different sections of the state for sealed proposals for doing the printing of the legislature and the several state departments: Said advertisement shall divide the printing required into three classes as follows: First, The incidental printing comprising the printing incident to the business of the two houses; Second, The journals of the two houses and the laws: Third, The printing of the several state departments, each class to be a separate job and provided for by a separate contract: The said advertisement shall require specifications in the bids as follows: For the first class, the price of composition per thousand ems, the price of the paper and the price of press work: For the second class, specifications as above with the cost of folding stitching and binding for each copy of the work required and for preparing side notes and index for the laws, and index for journals, and for the third class the price per quire of the requisite blanks; and it shall be incumbent on the secretary of state aforesaid to keep in his office for inspection a specimen of the character style and quality of the work required in the several classes, or to communicate to distant bidders when requested as near as may be the character in the several respects mentioned of the work required: Said proposals shall be endorsed on the outside as proposals for the incidental printing for the journals and the laws or for the state departments as the case may be and shall be received at the secretary's office at the seat of government, and the day and time of day at which such proposals shall cease to be received shall be specified: Provided that the time of receiving such proposals shall in all cases cease within a time at least six weeks previous to the commencement of the next succeeding regular session of the legislature: and provided further that the said sealed proposals shall remain sealed until the hour appointed for examining the same.

SEC. 2. Immediately on the expiration of the time for receiving said proposals they shall be opened by the secretary of state aforesaid in the presence of the treasurer of the state and of such of the bidders as may choose to be present, and the secretary aforesaid shall thereupon let each class of printing to the lowest bidder and he shall immediately after such letting notify the successful bidder, of his appointment to do the work, and it shall be the duty of the person so appointed, ~~within four weeks of his appointment~~ to execute to the state a bond in the sum of four thousand dollars, conditioned for the faithful performance of the duties assigned him, which bond shall be approved by the governor and deposited in the said secretary's office, and in case of failure on the part of the person so appointed to execute said bond as aforesaid then the next lowest bidder shall be awarded the contract who shall execute a bond as aforesaid; Provided that no bid shall be considered unless accompanied by a guarantee sufficient in amount that the person bidding will if successful fulfil his contract; and in case of failure on the part of any person to whom a contract may be awarded to fulfil his duties under such award, he shall be responsible on his guarantee for all additional cost which may accrue to the state in consequence of such failure.

SEC. 3. A committee consisting of two members of the senate and three members of the assembly shall at the commencement of every session be appointed by their respective houses, which shall constitute a committee on printing, who shall have power to examine the bids on file in the office of the secretary aforesaid, and to investigate matters generally with reference to the printing, to adopt such measures as may be deemed necessary to remedy any default on the part of the secretary in his duties or any neglect or delay on the part of the contractor to execute the work ordered by the two houses, and to make a pro rata reduction in the compensation allowed, or to refuse the work altogether should it be inferior to the standard or delayed in the execution, subject however to the action of the legislature, and in all cases the contractor, and his securities, shall be responsible for any increased expenditure consequent upon the non-performance of his contract: The committee shall audit and pass upon all accounts for printing, but no bill shall be acted upon for work that is not actually executed and delivered and which they may require to be properly authenticated and when any documents of a general character are ordered by either house the matter shall be referred to the committee, and in no case

shall the composition of a document ordered by both houses be paid for more than once.

SEC. 4. After the execution and acceptance of the bond of security the person to whom the printing has been awarded shall be the person to do said work for the term for which he was chosen, and no account from any other person for printing shall be considered or allowed: Provided, that the legislature may annul any contract for incidental printing, for any unreasonable delay in the execution of the work or for doing it in an inferior or improper manner and provided further that the liability of any security shall not be affected thereby.

SEC. 5. It shall be the duty of the secretary of state within one week after the passage of any law or joint resolution to furnish to the person appointed to print the laws, a correct copy of the same and it shall be the duty of the person so appointed to furnish within four weeks after the close of any session of the legislature to the secretary of state at his office, the prescribed number of copies of laws completed according to contract and it shall be the duty of the chief clerk of each house or such other officer as the legislature may direct to furnish to the printer appointed to do the work within ten days after the close of each session, a correct copy of the journals of their respective houses, and the printer aforesaid shall furnish at the office of the secretary aforesaid within three months after the close of such session the prescribed number of journals completed according to contract.

SEC. 6. The term of service of the printer to whom has been awarded a contract for work shall commence with the session of the legislature next holden after such award and shall continue for one year or until the commencement of the next regular session thereafter.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT supplementary to an act entitled "an act to establish a Municipal Court in the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of an act entitled "An act to establish a Municipal Court" in the City of Milwaukee as authorizes the election of a Judge and clerk of said court on the first Monday of September in the year one thousand eight hundred and forty-eight is hereby amended so as said election shall be held as hereinafter provided for.

Sec. 2. The election of judge and clerk of said court shall be holden as is provided for in said act on the first Monday of May one thousand eight hundred and forty-nine.

Sec. 3. Nothing contained in this act shall be construed as altering in any manner an act entitled "an act to establish a municipal court in the city of Milwaukee" with the exception of changing the time for the election of judge and clerk of said court.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT for the appointment of Commissioners to revise and simplify the rules of practice in Courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. In pursuance of the twenty second section of the sixth article of the constitution the persons selected or hereafter to be selected by an act of this legislature to revise the laws of the state of Wisconsin, are hereby appointed commissioners whose duty it shall be to enquire into revise and simplify the rules of practice pleadings forms and proceedings and arrange a system adapted to the courts of record of this state and report the same to the next legislature subject to their modification and adoption and such commission shall terminate upon the rendering of the report unless otherwise provided by law.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY.

AN ACT to authorize the people of Columbia county to vote on having a part of said county stricken therefrom.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. On the Tuesday after the first Monday in November next,

the legal voters of the county of Columbia are hereby authorized to vote in favor or against having all that part of said county lying west of the Wisconsin river stricken therefrom and attached to Sauk county.

SEC. 2. Those voting in favor of such division shall have written or printed on their ballot the words "for division" and those voting against such division the words "against division;" such ballots shall be deposited in a separate ballot box, and shall be canvassed and returns made in like manner as at general elections.

SEC. 3. In case a majority of such ballots shall be "for division" then and thereafter all that part of Columbia county lying west of the Wisconsin river shall be attached to Sauk county.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT to organize the several towns therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of Washington county as is embraced in two tiers of sections on the north side of the town of West Bend, and two tiers of sections on the south side of the town of North Bend shall constitute a separate town and shall be known by the name of Newark.

SEC. 2. So much of Jefferson county as is embraced in a strip of land one and a half mile wide on the north side of town seven in range fourteen and the south half, and the north west quarter of town eight in range fourteen shall constitute a separate town and shall be known by the name of Millford.

SEC. 3. The several towns to which the town of Millford and Newark were attached before the passage of this act shall proceed to levy and collect the taxes for the year one thousand eight hundred and forty eight in said towns in the same manner and subject to the provisions of law as if this act had not passed.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT supplementary to an "act to organize the town of Farmersville" approved August 4th 1848.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of town nine north of range six east as lies within the limits of the county of Dane be attached to and is hereby made a part of the town of Farmersville.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT to defray the contingent expenses of the Executive office.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Six hundred dollars is hereby annually appropriated out of the treasury of this state (or so much thereof as may be necessary) to defray the contingent expenses of the executive officer (including clerk hire and postage) to be drawn quarterly upon the order of the governor and for which he is hereby required to render to the legislature an annual statement of the expenditure from this fund.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 19, 1848.

NELSON DEWEY.

AN ACT to change the boundaries of the towns of Utica and Rushford in the county of Winnebago.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six in township number seventeen north of range number fifteen east be and the same hereby is set off from the town of Utica in the county of Winnebago and said section six is hereby attached to the town of Rushford in said county of Winnebago and all and every per-

men or persons residing upon said section six are hereby entitled to all the rights and privileges of inhabitants of said town of Rushford.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT relating to Courts, Judges and Clerks.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. All proceedings lawfully commenced and pending in any of the probate courts of the territory of Wisconsin at the time of the change from territorial to state government are hereby continued and transferred to the probate courts of the state of Wisconsin having jurisdiction of the same and all proceedings orders or decrees which have been made entered or had in the probate courts of the state of Wisconsin since the change from territorial government in any case or proceeding pending at the time of such change, are hereby declared to be and the same are as legal and valid as if the same had been done in the same court before such change.

SEC. 2. The judge of Probate within his county is authorized and empowered to call before him and examine upon oath any person suspected and complained of by any executor or administrator heirs creditors legatees or other person having lawful right or claims to the estate of any person deceased, of having concealed embezzled or conveyed away any of the goods and chattels or money left by the testator or intestate, for the discovery of the same and if the person complained of as aforesaid shall refuse to be examined or to answer interrogatories upon oath respecting the estate which he or she may be suspected or concealing embezzling or carrying

away it shall and may be lawful for and the said judge is hereby empowered to commit such person so refusing to answer or be examined on interrogatories upon oath as aforesaid to the common jail of the county there to remain until he or she shall consent to be examined and answer interrogatories upon oath as aforesaid or be released by the consent of the person suspecting and complaining against him or her, or by order of any one of the judges of the circuit court.

Sec. 3. If it shall satisfactorily appear to the said judge of probate upon the examination aforesaid or by other competent testimony which may be introduced for that purpose that the person complained of as aforesaid has in his or her possession, or has concealed embezzled or conveyed away any of the goods and chattels or moneys left by the testator or intestate as aforesaid, the said judge of probate shall make an order for the restoration and delivery of the said goods and chattels or moneys left as aforesaid to the executor or administrator of the estate of the said testator or intestate forthwith: and if the person ordered to restore and deliver the said goods and chattels or moneys as aforesaid, shall neglect or refuse to comply with said order, it shall and may be lawful for and the said judge is hereby authorized and empowered to commit such person to the common jail of the county there to remain until he or she shall restore or deliver the said goods and chattels or money as aforesaid or be released by the consent of the person suspecting and complaining against him or her or by order of any one of the judges of the circuit court.

Sec. 4. Any person interested in any order made by any judge of probate since four months previous to the adoption of the constitution may appeal from the same to the circuit court of the county provided the same be allowed by the judge thereof who is hereby authorized upon petition and being satisfied that justice requires a revision of said order, and the same shall be determined by said court.

Sec. 5. The terms "District Court or Courts" and "Judge or Judges of District Court or Courts" and "Clerk or Clerks of District Court or Courts" wherever they occur in the laws of this state shall be considered to imply circuit court or courts, judge or judges of circuit court or courts and clerk of the circuit court or courts respectively, whenever such change of terms may be necessary to carry out the intentions or provisions of the laws of this state.

Sec. 6. The judges of probate shall receive the same compensation

for their services as heretofore provided under the territorial government and the nineteenth section of an act to provide for the election of judges &c., approved June 29th 1848, shall not be construed to refer to judges of probate.

JOHN A. SULLIVAN
EDWARD H. H. H.
JOHN A. SULLIVAN

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to authorize the levy and collection of taxes in the town of Aztalan in Jefferson county;

The people of the State of Wisconsin, represent'd in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Aztalan in the county of Jefferson be and hereby are authorized to levy and collect the necessary taxes of said town for town county and state purposes the present year, upon the assessment roll of eighteen hundred and forty seven by complying with the requirements of this act.

Sec. 2. The supervisors of said town shall forthwith post up three written notices in the most public places, in said town; that said assessment roll is in possession of one of the supervisors of said town (naming him) and requiring all persons interested to call before the ninth day of September next and examine the assessment roll and make the affidavit required by law if they consider themselves aggrieved thereby—said assessment roll shall be corrected according to law and shall be presented by the chairman of the board of supervisors of said town to the board of county supervisors at its next annual session to be equalized with the assessment

rolls of the other towns in said county and thereafter the same proceedings shall be had in all cases in the premises as is prescribed by law in the levy and collection of taxes in ordinary cases.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to pay to Cramer and Curtis the sum therein named. The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to Cramer and Curtis for papers furnished the members of the last territorial legislature in full of their account, the sum of fifteen dollars and thirty cents to be paid out of the state treasury.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to extend the jurisdiction of justices of the peace in civil cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The jurisdiction of justices of the peace in all civil suits commenced before them from and after the passage of this act is hereby extended in the cases hereinafter mentioned to the sum of one hundred dollars: First, In all actions arising on contract for the recovery of money only: Second, In all actions for damages for an injury to the person or to real or personal property: Third, An action for a penalty given by statute: Fourth, In all actions commenced by attachment of property as now provided by statute: Fifth, In all actions where the plaintiffs demand on an account or on a note bill bond or other instrument in writing given for the payment of money or other valuable article for any amount over one hundred dollars has been reduced by credits given or by payments endorsed thereon to a sum not exceeding one hundred dollars exclusive of interest, and where the payments are to be made by instalment on any bond or note, an action may be brought for each instalment as it shall become due: Sixth, In all actions upon a surety bond taken by them though the penalty or amount claimed exceed one hundred dollars.

Sec. 2. But no justice of the peace shall have cognizance of an action where the title to real property shall come in question, nor of a matter of account where the sum total of the accounts of both parties, proved to the satisfaction of the justice shall exceed four hundred dollars.

Sec. 3. A judgment by confession may be entered before a justice of the peace in any sum not exceeding two hundred dollars without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant or both in the manner prescribed by this act.

Sec. 4. A statement in writing must be made signed by the defendant and verified by his oath to the following effect: First, It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the justice: Second, If it be for money due or to be

come due it must state concisely the facts out of which it arose and must shew that the sum confessed therefor is justly due or to become due: Third, If it be for the purpose of securing the plaintiff against a contingent liability it must state concisely the facts constituting the liability and must shew that the sum confessed therefor does not exceed the same.

SEC. 5. The statement and affidavit made as aforesaid in all cases where judgment is entered by confession shall be filed with the justice.

SEC. 6. All acts or parts of acts contravening the provisions of this act are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.
J. E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 21, 1848,
NELSON DEWEY.

AN ACT to pay to H. A. Tenney the sum therein named.
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be and hereby is appropriated to Tenney and Smith in full for all printing done by them for the present session of the legislature the sum of one thousand four hundred and fifty dollars and twenty cents; fifty dollars of the above sum being for translating the constitution into the Welch language.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, August 21, 1848,
NELSON DEWEY.

AN ACT supplemental to an act to establish the University of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. That whenever there shall be a vacancy in the office of regents in the university from any cause whatever it shall be the duty of the governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the next session of the Legislature, and until others are elected in their stead.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to provide for holding general and special Elections, the time when, the manner of holding the same, and the qualifications disabilities and privileges of electors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

TITLE 1.

SECTION. 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes who shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election:

1st. White citizens of the United States.

2d. White persons of foreign birth, who shall have declared their intentions to become citizens conformably to the laws of the United States on the subject of naturalization.

3d. Persons of Indian blood, who have once been declared by law of congress citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4th. Civilized persons of Indian descent not members of any tribe.

SEC. 2. No person under guardianship, nor compos mentis, or insane, shall be qualified to vote at any election nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights, nor any person who has made any wager or bet depending upon the result of an election at which he shall offer to vote.

TITLE 2.

ARTICLE I.

SECTION I. General elections are such as are held at the same time in all of the counties of the state for the election of all or a part of the following officers, governor, lieutenant governor, senators, members of the assembly, clerks of the circuit courts, sheriffs, registers of deeds, district attorneys, state superintendent, judges of probate, clerks of the board of supervisors, coroners, secretary of state, treasurer, attorney general, representatives in congress, and electors of president and vice president, and all state and county officers not herein enumerated, or otherwise provided for and shall be held on the Tuesday succeeding the first Monday of November in each year.

SEC. 2. Special elections are such as are held only in a particular district or county, at a time when no general election is held for one or more of the officers proper to be chosen at a general election, but no special election shall be held within thirty days previously to a general election.

SEC. 3. Special elections shall be held in the following cases:

1st. When an officer other than a governor, lieutenant governor, secretary of state, treasurer, attorney general, and electors of President and vice president, shall not have been chosen, by reason of two or more candidates having received an equal number of votes for the same office:

2d. When the right of office, of a person elected to the office of a senator, member of assembly, sheriff, clerk of the circuit court, register of

deeds, judge of probate, clerk of board of supervisors, coroner, state superintendent, treasurer, attorney general, shall cease before the commencement of the term of service for which such officer shall have been elected.

3d. When a vacancy occurs in the office of senator or member of the assembly after the last day of December in any year and before the first day of February next following.

SEC. 4. When a special election shall not have taken place as required by law the vacancy which ought to have been supplied at such election, shall be supplied at the next general election.

SEC. 5. All vacancies in the office of representative in congress shall be supplied at the general election next succeeding the happening thereof.

SEC. 6. If a vacancy proper to be supplied at a general election, shall not have been supplied at the general election next succeeding the happening thereof, a special election to supply such vacancy shall then be held.

SEC. 7. Special elections in the first case provided for in the second section of this title shall be ordered by the board of canvassers having the power to determine on the election of the officer omitted, to be chosen, in all other cases such elections shall be ordered by the governor who shall issue his proclamation therefor.

SEC. 8. Such proclamation shall specify the county or district in which such special election is to be held: the cause of such election: the name of the officer in whose office the vacancy has occurred: the time when his term of office will expire, and the day on which such election is to be held, which shall not be less than twenty nor more than forty days from the date of the proclamation.

SEC. 9. Elections in all incorporated cities shall be by wards, and in all other parts of the state by towns and precincts.

SEC. 10. The supervisors of each town or precinct shall be the inspectors of elections in such town or precinct, and the alderman in each ward shall be the inspectors of elections in such ward, any two of such inspectors may act, and in case of the death, refusal or inability of either of them to act as such inspectors so that a quorum is not present the places of such persons shall be filled by the viva voce votes of such qualified electors residing within such town ward or precinct as may then be present at the place of election, and the persons so elected shall be and

hereby are invested with the same power as the other inspectors of election in this section mentioned.

SEC. 11. The clerks of the several towns and precincts in this state shall by virtue of their office be clerks of elections. The inspectors of elections in said towns and precincts shall choose another clerk who shall possess the requisite qualifications of an elector of such town or precinct and the inspectors of elections of the several wards of this state shall choose two clerks of elections having the qualifications above specified.

SEC. 12. Previous to any votes being taken the inspectors and clerks of elections shall severally take an oath or affirmation that they will support the constitution of the United States, the constitution of the state of Wisconsin, and will perform the duties of inspector (or clerk as the case may be) of elections according to law and will studiously endeavor to prevent all fraud deceit or abuse in conducting the same, said oath or affirmation may be administered by any one duly authorized by law to administer oaths, and the person administering said oath shall cause an entry thereof to be made and shall subscribe the same and the inspectors shall prefix the same to the poll books.

SEC. 13. Whenever in the opinion of the inspectors of election of any town or precinct more than one poll of election will be necessary for the convenience of the electors at any general or special election they are hereby authorized to designate a place where a second poll shall be held giving ten days notice thereof by posting up notices in five of the most public places in such town or precinct, at which poll the inspectors and clerks shall be chosen and qualified as provided in section ten of this article.

TITLE 3.

ARTICLE 1.

SECTION 1. The secretary of state shall once in every two years between the first day of July and the first day of September immediately preceding the expiration of the term of office of the governor and lieutenant governor last chosen, direct and cause to be delivered to the sheriff or clerk of the circuit court, or in case there shall be no such sheriff or clerk of the circuit court in such county then to the clerk of the board of supervisors of each county, a notice in writing specifying that a governor and lieutenant governor, secretary of state, state treasurer, attorney general and state superintendent are to be elected, and also the names of the senators for the

district or districts to which said county belongs whose term of service shall expire on the last day of December thereafter.

SEC. 2. If any vacancy shall exist in a county proper to be supplied at the ensuing general election he shall in like manner and time direct and cause to be delivered to the sheriff or clerk of the circuit court (or in case there shall be no such sheriff or clerk of the circuit court) in such county then to the clerk of the board of supervisors of such county, a notice in writing specifying the cause of such vacancy, the name of the officer in whose office it has occurred, and the time when his term of office will expire, and if any such vacancy shall exist in any district he shall in like manner direct and cause like notice to be delivered to the sheriff or clerk of the circuit court or in case there shall be no such sheriff or clerk of the circuit court in such county then to the clerk of the board of supervisors in each county contained in such district.

SEC. 3. When a special election in a county shall be ordered by the governor, the secretary of state shall forthwith cause a copy of the governor's proclamation to be delivered to the sheriff or clerk of the circuit court, or in case there shall be no such sheriff or clerk of the circuit court then to the clerk of the board of supervisors, of such county: and when ordered in a district to the said sheriffs or clerks, or in case there shall be no such sheriff or clerk of the circuit court, then to the clerk of the board of supervisors in each county therein.

SEC. 4. The secretary of state shall cause a copy of each notice issued by him and of each proclamation of the governor to be published in a paper printed at the seat of government, once in each week from the date of such notice or proclamation until the election to which it shall refer.

ARTICLE II.

SEC. 5. When a special election shall be necessary in the case of an equality of votes, the board of canvassers having power to determine on the election of the officer omitted to be chosen, shall without delay, direct and cause to be delivered to the sheriff or clerk of the circuit court, or in case there shall be no such sheriff or clerk of the circuit court, then to the clerk of the board of supervisors of each county in the district or of the county in which such election is to be held, a notice in writing, specifying the officers to be chosen, the time for which he is to be chosen, and the day on which such election is to be held, which day shall not be less than twenty nor more than thirty days from the date of such notice.

SEC. 6. The notice of such an election, if ordered by the board of state canvassers, shall be signed by the secretary of state, and if ordered by the county canvasser, by the clerk of the board of supervisors.

SEC. 7. The sheriff or clerk of the circuits court of each county who shall receive a notice of an election shall without delay, give notice in writing of such election to one of the inspectors of elections in each town, ward or precinct in his county, and shall also cause a copy of the notice received by him, to be published in all of the public newspapers printed in his county if there be any, if not then in a paper printed in an adjoining county once in each week from the date of such notice until the election.

SEC. 8. The inspector receiving such notice shall without delay, give notice in writing to the other inspectors of his town, ward or precinct and in such notice shall fix a time and place for a meeting of the board of inspectors. The inspectors of such town, ward or precinct shall meet at the time and place so appointed, and shall, by notices in writing under their hands or by a majority of them give at least eight days notice to the electors of the town, ward or precinct, of the time and place at which such election is to be held therein.

SEC. 9. Such notice shall also specify the officers to be chosen and the hour of opening, adjoining and closing the polls of the election. The notice, if of a general election shall also state whether any of the officers then to be chosen are to supply vacancies, and the names of those in whose offices such vacancy shall have occurred. The inspectors shall cause such notices to be posted in a conspicuous manner in at least five of the most public places of their town, ward or precinct.

TITLE 4.

ARTICLE I.

SEC. 1. The inspectors of each town, ward or precinct, shall meet at the time and place when and where an election shall have been appointed to be held therein, and shall proceed to organize themselves as a board for the purpose of presiding at and conducting said election.

SEC. 2. The poll of the said election shall then be opened and proclamation thereof made, and proclamation shall also be made of each adjournment and of closing the polls. The poll shall be kept open in the day time only between the rising and setting of the sun.

SEC. 3. At the opening of the poll in the forenoon, which shall be at

9 o'clock A. M. the inspectors shall give notice at what hour on that day, and for how long the poll will be adjourned, if any adjournment take place, and also at what hour the poll of the election will be closed. Provided the poll at said election shall not be closed finally before five o'clock in the afternoon of that day.

ARTICLE II.

SEC. 4. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the inspectors in presence of the board. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen: but no ballot shall contain a greater number of names of persons as designated to any office than there are persons to be chosen at the election to fill such office.

SEC. 5. On the outer side of each ballot when folded, shall appear written or printed one of the following words: state, congress, or county, but no ballot found in the proper box shall be rejected for want of such endorsement.

SEC. 6. The ballot endorsed state shall contain the names of the persons designated by the elector for the offices of governor lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, senator and member of assembly, any or either of them. That endorsed congress the name of the person designated for the office of representative in congress. That endorsed county, the county officers to be chosen at such election, any or either of them.

SEC. 7. If at a general election, there be one or more vacancies to be supplied in the office of senator, and at the same election a senator is to be elected for two years, it shall be necessary to designate on the ballot of each elector for which term the person voted for is intended, for which term the persons respectively elected shall serve. And if at a general election any person named in a congress ballot shall be intended to supply a vacancy in the office of such representative the ballot shall designate the congress for which each person is intended to be chosen.

SEC. 8. If any person offering to vote shall be challenged as unqualified by an inspector of elections, or by any other person entitled to vote at the same poll, the board of inspectors shall declare to the person so chal-

lenged the qualifications of an elector. If such person shall state himself duly qualified, and the challenge shall not be withdrawn, one of the inspectors shall then tender to him the following oath :

You do solemnly swear (or affirm as the case may be,) that you are a citizen of the United States of twenty one years of age, (or that you have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided in this state for one year next preceding this election, that you are now a resident of this town, (ward or precinct as the case may be,) and that you have not voted before at this election, or made any bet relative to, or depending upon the result of this election.

SEC. 9. If any person so offering to vote, shall take such oath, his vote shall be received, unless it shall be proved by evidence satisfactory to a majority of the board of inspectors, that such person does not possess the qualification of an elector, and if any person so challenged shall refuse to take the oath so tendered to him, his vote shall be rejected.

SEC. 10. If the person be challenged as convicted of an infamous crime he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received other than a duly authenticated record thereof: but if any person so convicted shall vote at any election unless he shall have been pardoned and restored to all the rights of a citizen, he shall be deemed guilty of a misdemeanor and on conviction shall be imprisoned in a county jail for the term of six months.

ARTICLE III.

SEC. 11. At each general election the board of inspectors shall provide and keep two boxes one to be entitled the state box, the other the county box. If representatives in congress are to be chosen, an additional box shall be kept, to be entitled the congress box and if electors of president and vice president are to be chosen an additional box shall be kept to be entitled the electoral box.

SEC. 12. At a special election so many only of such boxes shall be kept as shall be necessary for depositing the ballots for officers to be chosen at such election. Each box shall be provided with a sufficient lock, and shall be locked before the opening of the poll, and the keys thereof delivered to one of the inspectors to be appointed by the board, and shall not

be opened during the election except in the manner and for the purposes hereinafter mentioned.

SEC. 13. An opening shall be made in the lid of each box, not larger than shall be sufficient for a single closed ballot to be inserted therein at one time through which each ballot received proper to be placed in such box shall be inserted.

SEC. 14. When the board shall have finally received the ballot of an elector one or the inspectors without opening the same or permitting it to be opened or examined, shall deposit in the box corresponding in title with the endorsement on the ballot.

SEC. 15. Each clerk of the poll shall keep a poll list which shall contain one column headed names of voters, and so many additional columns as there are boxes kept at the election, the heading of each additional column shall correspond with the name of one of the boxes kept.

SEC. 16. The name of each elector voting, shall be entered by each clerk in the column of his poll list headed names of voters and opposite such names shall be written the figure one in each remaining column of such poll list corresponding in its heading with the name of each box, in which a ballot of the elector shall have been deposited.

SEC. 17. If there shall be an adjournment of the poll the clerks shall in the presence of the inspectors compare their respective poll lists, compute and set down the number of the votes in each column and correct all mistakes that may be discovered according to the decision of the board, until such poll lists shall agree in all respects. Two of the boxes shall then be opened and a poll list shall be placed in each, such boxes shall then be again locked and the seal of one or more of the inspectors shall be so placed on each box as to entirely cover the opening in the lid of each. The keys shall then be delivered to one of the inspectors, and the boxes to another to be designated by the board, to be kept carefully by each until the poll is re-opened.

SEC. 18. At the re-opening of the polls the seals shall be broken, the boxes opened, the poll lists taken out and the boxes again locked.

SEC. 19. It shall be the duty of each inspector to challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector.

SEC. 20. The board of inspectors shall possess full power and authority to maintain regularity and order, and to enforce obedience to their law.

ful commands during an election and during the canvass and estimate of the votes, after the closing of the poll. And if any person shall refuse to obey such commands of the inspectors or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings they may by an order in writing commit the person so offending to the common jail of the county for a period not exceeding ten days.

SEC. 21. Such order shall be executed by any sheriff or constable to whom the same may be delivered, or if none shall be present, by any other person deputed by such board in writing.

ARTICLE IV.

SEC. 22. As soon as the poll of an election shall have been finally closed, the board of inspectors shall immediately proceed to canvass the votes given at such election. The canvass shall be public and continued without adjournment until fully completed.

SEC. 23. The canvass shall be commenced by a comparison of the poll lists from the commencement and correction of any mistakes that may be therein until both shall be made to agree. Each box shall then be opened and the ballots contained therein shall be taken out and counted, unopened except as far as shall be necessary to ascertain that each ballot is single, and if two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be laid by until the counting of ballots in the box where they are found shall be completed, and if on comparison of said count and the appearance of said ballots, the majority of the board shall be of the opinion that said ballots were voted by one elector said ballots shall be destroyed.

SEC. 24. No ballot properly endorsed found in a box different from that designated by its endorsement shall be rejected, but shall be counted in the same manner as if found in the box designated by such endorsement.

SEC. 25. If the ballots shall be found to exceed in number the whole number of votes in the correspondent columns of the poll lists, they shall be placed in the box and one of the inspectors shall publicly draw out and destroy unopened so many ballots as shall be equal to such excess, the ballots and numbers on the poll list agreeing or being made to agree the board shall then proceed to canvass and estimate the votes.

SEC. 26. After the votes have been counted and returned to the box one of the inspectors shall take them out singly open the same and hand it

to another of the inspectors who shall read the same distinct and plain, and the clerk shall keep correct lists of all such ballots as they are thus canvassed, the ballots thus counted shall be preserved and returned to the box from which they were counted.

Sec. 27. The canvass being completed a statement of the result shall be drawn up in writing by the inspectors which they shall certify to be correct, and subscribe with their proper names such statement shall contain in words written at full length the whole number of votes given for each office at such election, the names of the persons for whom such votes were given and the number of votes so given, and the number of votes so given to each person, which statement shall be securely enveloped in paper and sealed closely.

Sec. 28. The board of inspectors shall deliver the statement so certified, subscribed and sealed to such one of the inspectors as shall be appointed by the board to deliver the same to the clerk of the board of supervisors of the county. A duplicate of such statement shall also be signed by the inspectors at the same time, and shall be immediately delivered to the town clerk (or to the clerk of any incorporated city or village as the case may be) to be filed and preserved by him.

Sec. 29. The ballots, excepting such ballots as shall have been rejected by the inspectors as defective shall then be destroyed, and the board of inspectors shall be dissolved. It shall be the duty of the inspectors of elections to preserve a true copy of all ballots rejected as defective with the originals attached and deliver the same together with the poll list to the town clerk (or clerk of any city or village as the case may be) to be filed in his office.

TITLE 4.

ARTICLE I.

Sec. 1. The inspectors in each county to whom the original statements of the canvass of votes in the several towns wards or precincts to which they respectively belong shall have been delivered shall deliver the same with the envelopes and seals unbroken, to the clerk of the board of supervisors of their respective counties within ten days from the day on which any such election shall be held.

Sec. 2. On the eleventh or twelfth day after the close of any such election, the clerk of the board of supervisors shall take to his assistance

two justices of the peace of his county and proceed to open said returns and estimate the votes of the county and shall make such statements thereof as the nature of the election shall require.

SEC. 3. They shall make a separate statement containing the whole number of votes given in such county for the office of governor, lieutenant governor, senator, member of assembly, representative in congress, secretary of state, treasurer, attorney general and state superintendent any or either of them according to the facts set forth in said returns, the names of the persons to whom such votes were given, and the number of votes given to each, and for what office said persons received such votes. And another similar statement of the votes for electors of president and vice president in such statements the whole number of votes given, the names of the candidates and the number of votes given to each shall be written out in words at full length.

SEC. 4. Each statement shall be certified as correct, and attested by the signatures of the clerk of the board of supervisors and said two justices and filed in the office of said clerk.

SEC. 5. Upon the statements of votes given for county officers and members of assembly, the said clerk and justices shall proceed to determine what person or persons have, by the greatest number of votes been duly elected to each of the offices mentioned in such statement. And it shall be the duty of the said clerk to make out immediately a certificate of election to each of the persons having the greatest number of votes for members of assembly and county officers respectively and deliver such certificates to each person on his making application therefor.

SEC. 6. That in case the clerk of any board of supervisors shall die, remove from the county, be absent, or otherwise incapacitated to perform the duties herein required, the clerks of the circuit court (and in case there shall be no such clerk of the circuit court, then the said board of supervisors shall appoint their clerk who shall hold his office until another is duly elected and qualified,) who shall perform the duties herein specified in such county, and his acts shall be in all respects as valid and binding as though they had been performed by a clerk of the board of supervisors, he shall be subject to the same liabilities and penalties for any violations of this act.

SEC. 7. The clerk of the board of supervisors shall record in his office all the statements and certificates that shall have been made out by him and such justices as hereinbefore specified, and shall keep a proper book for that purpose.

SEC. 8. Of the statement and certificate of the votes for the office of governor, lieutenant governor, representatives in congress, senators, secretary of state, treasurer, attorney general, and state superintendent, or either of them, he shall prepare three certified copies under his signature and sealed with the seal of his office, of these copies he shall send by mail, one to the governor, one to the secretary of state, and one to the treasurer of state within fifteen days after any general or special election.

SEC. 9. He shall transmit to the secretary of state within thirty days after any election a list of the persons elected in the county as members of assembly, and also a list of the names of the persons declared at such canvass to be elected sheriff clerk of the circuit courts, clerk of the board of supervisors and coronor.

SEC. 10. It shall be the duty of the secretary of state to record in his office in a book to be kept by him for that purpose, each certified statement of the result of an election received by him from a clerk of a board of supervisors, and to obtain from the governor and treasurer every such certified statement received by either of them, and to record one of those so obtained for each county from which no similar statement shall have been received by himself.

SEC. 11. If from any county from which such statement shall be due none shall have been received or obtained by him, within thirty days after any election, he shall despatch a special messenger to obtain such statement from the clerk of the board of supervisors of such county, and such clerk shall immediately on demand of such messenger made at his office make out and deliver to the messenger the statements required, said messenger shall deliver to the secretary of state as soon as may be all such statements as he shall receive to be filed and recorded as aforesaid.

SEC. 12. The secretary of state shall appoint a meeting of the state canvassers to be held at his office or that of the treasurer on or before the fifteenth day of December next after any general election and within forty days after a special election. If a majority of said canvassers shall fail to attend on the day appointed, a minority may adjourn from day to day until a majority shall be present.

SEC. 13. The secretary of state, treasurer and attorney general, shall be the state canvassers, a majority of whom shall be sufficient to form a board. The board when thus formed, shall upon the certified statements of electors, recorded in the office of the secretary of state or received by him,

proceed to make a statement of the whole number of votes given at any such election for the office of governor and lieutenant governor, secretary of state, treasurer, attorney general and state superintendent, or either of them: another statement of the votes given for the office of senators, and another of the votes given for representatives in congress; each of which statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each, distinguishing the several districts and counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names. The board shall have power to adjourn from day to day for a term not exceeding three days.

SEC. 14. Upon such statements they shall then proceed to determine and declare what persons have been by the greatest number of votes, duly elected to such offices or either of them, they shall make and subscribe on the proper statements a certificate of such determination and shall deliver the same to the secretary of state.

SEC. 15. He shall record in his office in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the board of state canvassers, and shall without delay deliver a copy under the seal of his office of such certified determination to each person thereby declared to be elected, and a like copy to the governor and shall likewise cause a copy of such certified statements and determinations to be printed in a paper printed at the seat of government of the state and in one of the papers printed in each senate district for which a senator shall have been chosen.

SEC. 16. He shall prepare a certificate under the seal of his office and attested by him as secretary of state addressed to the house of representatives of the United States, in that congress for which any person or persons shall have been chosen, of the due election of the person or persons so chosen at such election as representatives of this state in congress, and shall transmit the same to the said house of representatives at their first meeting, and if either of the persons so chosen at such election shall have been duly elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary in the statements and certificates to be prepared by him.

TITLE 5.

ARTICLE I.

SECTION 1. On the third Monday of January next before the expiration of the time for which any senator was elected to represent this state in congress if the legislature shall then be in session, and if not then within ten days after a quorum of both houses shall be assembled at the then next meeting of the legislature, an election shall be held for a senator in congress at the place where the legislature shall then be sitting, in the room of such senator so going out of office.

SEC. 2. Whenever the seat of any such senator shall become vacant before the expiration of the time for which he was elected, another senator shall be elected in his place within ten days after the legislature shall have notice of such vacancy, at the place where it shall then be sitting.

SEC. 3. Such election shall be made by the legislature in the following manner: The senate and assembly shall meet in joint convention in the hall of the assembly at the time hereinbefore specified. The president of the senate and speaker of the assembly shall be the presiding officers of the convention. The chief clerk of the senate shall then proceed to call the roll of the members of the senate, and as each senators name is called if he be present he shall rise and vote viva voce for such person as he shall select for the office of senator. The chief clerk of the assembly shall then proceed to call the roll of the members of the assembly and each shall rise and vote as aforesaid. And the clerks shall keep a true list of all such votes and the names of all persons so voted for for senator, and the number of votes each person shall receive.

SEC. 4. Each presiding officer shall then announce the vote of their respective houses, and the person having a majority of all the votes so cast shall be declared by the president of the senate to be duly elected senator to represent this state in the congress of the United States.

SEC. 5. The presiding officers of the convention shall immediately cause a statement to be made, stating the names of the persons voted for as senators, and the number of votes each of said persons received for said office, and attach thereto a certificate of the correctness of the same and shall subscribe thereto their own proper names, which statement and certificate shall be delivered to the secretary of state to be by him recorded in the book to be kept for that purpose.

SEC. 6. The secretary of state shall within ten days thereafter prepare a certificate under the seal of this state, and attested by him as secretary thereof, addressed to the person elected such senator, of his due election as a senator in congress, and shall prepare a certificate under the seal and attestation aforesaid addressed to the president of the United States of the due election of such person as a senator in congress from this state, and another addressed to the secretary of state of the United States which said certificate shall be sealed and sent by mail to the person to whom they are addressed.

ARTICLE II.

SEC. 7. If any elector challenged as unqualified shall be guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this act, such person shall be adjudged guilty of wilful and corrupt perjury: and every person who shall wilfully and corruptly procure any person to swear or affirm falsely as aforesaid shall be adjudged guilty of subornation of perjury and shall upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

SEC. 8. If any officer on whom and duty is enjoined by this act, shall be guilty of any wilful neglect of duty or any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, the fine in no case to exceed the sum of five hundred dollars, nor the imprisonment the term of one year.

SEC. 9. If any person shall by bribery, menace or other corrupt means or device whatever, either directly or indirectly attempt to influence any elector of this state in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election within this state held pursuant to this act, and shall thereof be convicted, such person so offending and convicted shall be adjudged guilty of a misdemeanor and shall be fined or imprisoned according to the discretion of the court before which such conviction shall be had; such fine in no case to exceed five hundred dollars, nor such imprisonment one year.

SEC. 10. If any officer or other person, shall call out or order any of the militia of this state to appear or exercise on any day during any elec-

tion held by virtue of this act, or within five days previous thereto, except in cases of insurrection or invasion, he shall forfeit the sum of five hundred dollars for every such offence.

SEC. 11. No person shall fraudently or deceitfully change a vote of any elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended:

SEC. 12. Every person offending against the provisions of the last preceding sections shall be deemed guilty of a misdemeanor, punishable by fine not exceeding two hundred and fifty dollars or by imprisonment not exceeding six months.

SEC. 13. Immediately after the passage of this act the secretary of state shall prepare suitable forms to be used by the inspectors in conducting elections and making returns, and cause the same to be transmitted together with a copy of this act printed in pamphlet form to every town clerk in the state, also forty copies to the clerks of the boards of commissioners of those counties under the commissioner system of government, and twenty copies to the clerks of the board of supervisors of every county in the state.

SEC. 14. The words supervisors and clerks of the board of supervisors shall so far as applicable be construed to apply to the board of county commissioners and clerks of the boards of county commissioners in those counties under the county commissioner system of government.

SEC. 16. All acts and parts of acts contravening the provisions of this act are hereby repealed.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT relating to Stationary.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. No stationary shall hereafter be purchased for the use of any member of the legislature of this state but in lieu thereof the sum of five dollars is hereby annully appropriated to each member of the legislature to be expended for such articles of stationary for their use during the sitting of the legislature as each of them may think proper.

SEC. 2. The sum of twenty-five dollars is hereby annually appropriated to each of the chief clerks of the senate and assembly for the purchase of stationary for the use of their respective offices and no further allowance shall be made for stationary for those officers unless the same shall be especially ordered by a vote of their respective houses.

SEC. 3. The governor of this state is hereby authorized to contract in the manner provided for in the constitution for such books and stationary for the use of the state and state officers as he may think proper.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lient. Governor and President of the Senate.

Approved August 21, 1848.,
NELSON DEWEY.

AN ACT to amend an act entitled "An act to prescribe Township and County Government," approved February 18th, 1841.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

CHAPTER 1.

OF ANNUAL AND SPECIAL TOWN MEETINGS.

SECTION 1. The electors of the several towns in this state qualified by law to vote for elective officers, shall annually assemble and hold town meetings in their respective towns, on the first Tuesday in April in each year at such place in such town as the electors thereof at their annual town meeting shall from time to time appoint which meetings shall be opened between the hours of nine and eleven o'clock A. M. and kept open until five o'clock P. M. and the first election under this act shall be holden at the places prescribed by law.

SEC. 2. There shall be chosen at the annual town meetings in each town, three supervisors one of whom shall be designated on the ballots as chairman, one town clerk, one assessor, one treasurer, one superintendent of common schools, and from one to three constables, as the town may direct and as many overseers of highways as there may be road districts in said town.

SEC. 3. The electors of each town may have power at their annual town meetings,

1st, To elect such town officers as may be required to be chosen.

2d, To raise such sums of money for the support of schools, for the contingent expenses of such towns, for roads and bridges, and for the support of the poor for the ensuing year as they may deem necessary.

3d, To direct the institution or defence of suits at law or in equity in all controversies between such town and corporation, individuals or other towns and to raise money for the prosecution or defence of such suits.

4th, To take measures and give directions for the exercise of their corporate powers.

5th, To make from time to time such prudential rules and regulations as they may think proper for the better improvement of all lands owned by such town in its corporate capacity whether commons or otherwise.

6th, To make the like rules and regulations for ascertaining the sufficiency of all fences in such town, for determining the time and manner in which catt e, horses, sheep or swine shall be permitted to run on highways, and for impounding cattle.

7th. To impose such penalties on persons offending against any rule or regulation of such town, except such as relate to the keeping and maintaining fences as they may think proper, not exceeding ten dollars for each offence.

8th, To apply such penat ies when recovered to the support of common schools in said town.

SEC. 4. No previous notice need be given for annual town meetings, but the town clerk shall at least eight days before the holding of any special town meetings, cause notice thereof under his hand to be posted up at three or more of the most public places in the town, which notice shall specify the time, place and purpose of such meeting.

SEC. 5. Every order or direction, and all rules and regulations made by any town meeting shall remain in force until the same be altered or repealed at some subsequent meeting.

SEC. 6. No civil process shall be served except in cases of attachment of personal property in such town on any elector entitled to vote therein on any day on which such town meeting shall be held. And if any such process be made returnable on such day it shall be continued to some subsequent day.

SEC. 7. There shall be elected at the first annual town meeting four justices of the peace, two of which to be determined by lot, shall go out of office at the end of one year, and thereafter two justices may be elected annually to hold their offices for the term of two years.

CHAPTER II.

GENERAL POWERS AND DUTIES OF TOWNS AS BODIES CORPORATE.

SECTION 1. Every town now organized, or which may hereafter be organized by the laws of this state, shall be a body corporate and shall have power,

1st, To sue and be sued in the manner prescribed by law.

2d, To hold real estate for the public uses of the inhabitants, and to con-

vey the same, either by a vote of the inhabitants, or by a deed of their committee or agents.

3d, To hold personal estate for the public uses of its inhabitants, and to alienate and dispose of the same by a vote or otherwise.

4th, To hold real or personal estate in trust, for the support of schools and for the promotion of education within the limits of the town.

5th, To make such contracts as shall be necessary to the exercise of its corporate or administrative powers, and

6th, To make such orders for the disposition, regulation or use of the corporate property as may be conducive to the interest of its inhabitants.

SEC. 2. No town shall possess or exercise any corporate powers except such as are enumerated in this chapter, or be specially conferred on them by law.

SEC. 3. All acts or proceedings by or against a town in its corporate capacity shall be in the name of such town, but every conveyance of land within the limits of such town, made in any manner for the use or benefit of its inhabitants shall have the same effect as if made to the town by name.

SEC. 4. When a town possessed of or entitled to money, rights and credits, or other personal estate shall be divided or altered, such personal estate including monies belonging to the towns in the hands of town officers shall be apportioned between the towns interested therein, by the supervisors of such towns (who shall meet for that purpose as soon as may be after the first town meeting subsequently held in such towns) which division shall be made equitable according to the respective interests of such town or towns.

SEC. 5. Whenever a meeting of the supervisors of two or more towns shall be required, in order to carry into effect the provisions of the preceding section such meeting shall be called by either of said supervisors but the supervisors calling the same shall give at least six days notice in writing to all the other supervisors of the time and place at which such meeting is to be held.

SEC. 6. Debts owing by a town so divided or altered shall be apportioned in the same manner as the personal property of such town and such town shall thereafter be charged with its share of such debts according to apportionment.

two justices of the peace of his county and proceed to open said returns and estimate the votes of the county and shall make such statements thereof as the nature of the election shall require.

SEC. 3. They shall make a separate statement containing the whole number of votes given in such county for the office of governor, lieutenant governor, senator, member of assembly, representative in congress, secretary of state, treasurer, attorney general and state superintendent any or either of them according to the facts set forth in said returns, the names of the persons to whom such votes were given, and the number of votes given to each, and for what office said persons received such votes. And another similar statement of the votes for electors of president and vice president in such statements the whole number of votes given, the names of the candidates and the number of votes given to each shall be written out in words at full length.

SEC. 4. Each statement shall be certified as correct, and attested by the signatures of the clerk of the board of supervisors and said two justices and filed in the office of said clerk.

SEC. 5. Upon the statements of votes given for county officers and members of assembly, the said clerk and justices shall proceed to determine what person or persons have, by the greatest number of votes been duly elected to each of the offices mentioned in such statement. And it shall be the duty of the said clerk to make out immediately a certificate of election to each of the persons having the greatest number of votes for members of assembly and county officers respectively and deliver such certificates to each person on his making application therefor.

SEC. 6. That in case the clerk of any board of supervisors shall die, remove from the county, be absent, or otherwise incapacitated to perform the duties herein required, the clerks of the circuit court (and in case there shall be no such clerk of the circuit court, then the said board of supervisors shall appoint their clerk who shall hold his office until another is duly elected and qualified,) who shall perform the duties herein specified in such county, and his acts shall be in all respects as valid and binding as though they had been performed by a clerk of the board of supervisors, he shall be subject to the same liabilities and penalties for any violations of this act.

SEC. 7. The clerk of the board of supervisors shall record in his office all the statements, and certificates that shall have been made out by him and such justices as hereinbefore specified, and shall keep a proper book for that purpose.

SEC. 8. Of the statement and certificate of the votes for the office of governor, lieutenant governor, representatives in congress, senators, secretary of state, treasurer, attorney general, and state superintendent, or either of them, he shall prepare three certified copies under his signature and sealed with the seal of his office, of these copies he shall send by mail, one to the governor, one to the secretary of state, and one to the treasurer of state within fifteen days after any general or special election.

SEC. 9. He shall transmit to the secretary of state within thirty days after any election a list of the persons elected in the county as members of assembly, and also a list of the names of the persons declared at such canvass to be elected sheriff clerk of the circuit courts, clerk of the board of supervisors and coronor.

SEC. 10. It shall be the duty of the secretary of state to record in his office in a book to be kept by him for that purpose, each certified statement of the result of an election received by him from a clerk of a board of supervisors, and to obtain from the governor and treasurer every such certified statement received by either of them, and to record one of those so obtained for each county from which no similar statement shall have been received by himself.

SEC. 11. If from any county from which such statement shall be due none shall have been received or obtained by him, within thirty days after any election, he shall despatch a special messenger to obtain such statement from the clerk of the board of supervisors of such county, and such clerk shall immediately on demand of such messenger made at his office make out and deliver to the messenger the statements required, said messenger shall deliver to the secretary of state as soon as may be all such statements as he shall receive to be filed and recorded as aforesaid.

SEC. 12. The secretary of state shall appoint a meeting of the state canvassers to be held at his office or that of the treasurer on or before the fifteenth day of December next after any general election and within forty days after a special election. If a majority of said canvassers shall fail to attend on the day appointed, a minority may adjourn from day to day until a majority shall be present.

SEC. 13. The secretary of state, treasurer and attorney general, shall be the state canvassers, a majority of whom shall be sufficient to form a board. The board when thus formed, shall upon the certified statements of electors, recorded in the office of the secretary of state or received by him,

each person elected to any town office whose name shall not have been found upon the poll list as a voter, a notice of his election.

CHAPTER V.

OF THE QUALIFICATIONS OF TOWN OFFICERS AND TENURE OF THEIR OFFICES.

SECTION 1. No person shall be eligible to any town office unless he shall be an elector of the town for which he shall be chosen.

SEC. 2. Every person chosen or appointed to the office of supervisor, town clerk, assessor or treasurer, before he enters upon the duties of his office, and within ten days after he shall be notified of his election, shall take and subscribe before the town clerk or some person authorized to administer oaths, an oath to support the constitution of the United States, the constitution of this state and faithfully and impartially to discharge the duties of his office (naming the same) and the person before whom such oath shall be taken, shall certify in writing the day and year the same was taken and shall deliver such certificate to the person by whom the oath was made.

SEC. 3. Such person within ten days thereafter and before entering upon the duties of his office, shall cause such certificate to be filed in the office of the town clerk.

SEC. 4. If any person chosen or appointed to either of the town offices above mentioned, shall not take, subscribe and file the oath as above required such neglect may be considered a refusal to serve in such office.

SEC. 5. Town officers shall hold their offices for one year, and until others are chosen and qualified to fill their places.

SEC. 6. No person shall be compelled to serve in any one town office more than one year in succession provided he shall refuse so to do. But every person being able in person to discharge the duties of an office, shall when legally chosen, unless legally excused from the same, serve for one year, or shall be liable to a fine of ten dollars, to be recovered in an action of debt by the treasurer for the benefit of the town.

CHAPTER VI.

MISCELLANEOUS PROVISIONS OF A GENERAL NATURE.

SECTION 1. The following may be deemed town charges:

1st. The compensation of town officer for services rendered in their respective towns.

2d. The contingent expenses necessarily incurred for the use and benefit of towns.

3d. Moneys authorized to be raised by the vote of a town meeting for any town purposes; and

4th. Every sum directed by law to be raise for any town purpose.

SEC. 2. The supervisors, assessors, town clerk and superintendent of schools, shall receive as compensation for their services one dollar for each day actually employed.

SEC. 3. The moneys necessary to defray the town charges of each town, shall be laid upon the taxable property in the town in the manner prescribed by law.

SEC. 4. Whenever the term of office of any town officer shall expire and another person be elected or appointed to such office, such person immediately after qualifying for such office as the law requires shall demand of his predecessor all records, books and papers or any other property appertaining to such office, belonging to such town; and refusing to deliver such records, books, papers or other property, shall be liable to a fine of not less than fifty nor more than one hundred dollars to be recovered for the use of the town.

CHAPTER VII.

OF THE DUTIES OF SUPERVISORS.

SECTION 1. The supervisors shall have charge of, and provide for the town poor, agreeable to the provisions of law, they shall have power to lay out, alter and establish highways in their respective towns, and to do all other business which by law is now conferred on road commissioners, and to organize, alter and establish school districts in their several towns and further to have charge of all such affairs of the town as not by law made the special duty of other town officers: provided, that in all cases when said board are called upon to lay out, alter, establish or discontinue any highway, the expenses shall be paid by those applying, unless it shall be deemed for the public interest to grant the prayer of the petitioner.

SEC. 2. It shall be the duty of the supervisors and they shall have power to draw their orders upon the town treasurer for the disbursement of such sums as may be necessary for defraying the incidental expenses of the town: Also such further sums as shall be appropriated and made pay-

able by law out of the town treasury, they shall however keep a full and accurate account of all expenditures by them so made and the amount so drawn.

SEC. 3. The supervisors on the Monday preceding the annual town meeting in each year, shall meet at the place of holding such meetings, to settle with the treasurer, and audit the accounts of all disbursing officers, and make a detail report of the fiscal concerns of the town to the annual town meeting; which shall be accompanied with an estimate of the current expenses of such town for the ensuing year. Such report and estimates shall be referred to a committee of the electors of such town, whose duty it shall be to examine the same with reference to the supervisors accounts and doings and report the same for acceptance or otherwise at said meeting.

SEC. 4. The chairman shall annually lay before the board of county supervisors attested copies of all records which shall require to be acted upon by that board.

SEC. 5. The board of supervisors of each town, together with the town clerk, shall constitute a board of inspectors of elections and discharge their duties as such according to law.

SEC. 6. In case there shall be only one organized town in any county then in that case the board of town supervisors shall constitute a board of county supervisors for such county.

CHAPTER VIII.

DUTIES OF THE TOWN CLERK.

SECTION 1. That the town clerk of each town in this state shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths, and other papers required by law to be filed in his office. He shall be the clerk of the board of supervisors at all their regular or special meetings and transcribe in a book of records of his town, the minutes of the proceedings of every meeting of the board of supervisors with their doings and of any town meeting held therein, and he shall enter in such book every order or direction all rules and regulations made by any such town meeting.

SEC. 2. The town clerk immediately after the qualifying of any constable chosen or appointed in their respective towns shall return to the clerk of their respective counties the name of such constable.

SEC. 3. If any town clerk shall wilfully omit to make such return, such omission is hereby declared to be a misdemeanor and on conviction thereof the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

SEC. 4. Immediately after the completion of any assessment roll the town clerk shall make out a duplicate or transcript of the same together with a precept in the name of the state under his hand and seal directed to the treasurer of the town, commanding him to collect the taxes charged in such transcript by demanding payment of the persons charged therein if within his town, and making sale of their goods and chattels according to law, and the town clerk shall in like manner, require of the treasurer to pay over to the county treasurer the amount by him so collected on account of county and state taxes at such time and in such sums as may be expressed therein according to law and to make return of his precept together with his doings thereon to the town clerk on or before the fifteenth day of January next following.

SEC. 5. Copies of all papers du'y filed in the office of the town clerk and transcript from the book of records, certified by him, shall be evidence in all courts in like manner as if the originals were produced.

SEC. 6. It shall be the duty of the town clerk on the reception of the corrected assessment roll, and the amount of county tax to be paid by his town, forthwith to calculate and carry out the amount of taxes including town and county taxes in an additional column or that purpose prepared in the assessment roll opposite to the several sums set down as the valuation of real and personal estate.

SEC. 7. The town clerk of every town shall take for the use of the town one copy of each newspaper printed in the county in which such town is located which paper shall be safely preserved with the books of the town and bound in volumes as shall be directed by the supervisors of the town.

CHAPTER IX.

DUTY OF ASSESSORS.

SECTION 1. The assessor in each town shall once in each year, between the first day of May and the first day of June make out an assessment roll of all the taxable persons and property in their towns in the manner hereinafter provided.

Sec. 2. The assessor of each town according to the best evidence he may have or can obtain by enquiring personally of the owner or occupant of any estate real or personal to be taxed, shall make out a true list of all the estate, real and personal not exempted from taxation within their towns respectively and shall appraise the same at its true cash value.

Sec. 3. He shall prepare an assessment roll in which he shall set down in separate columns and according to the best information in his power.

1st, The names of all taxable inhabitants of his town.

2d, A correct description of the lands or lots subject to taxation.

3d, The number of acres and parts of acres.

4th, The value of such lands and all the improvements thereon, and,

5th, The amount of all personal property subject to taxation.

Sec. 4. The assessors shall complete their assessment rolls in their respective towns on or before the first day of June in each year and shall then forthwith cause notice thereof to be posted up at three or more public places in their towns.

Sec. 5. Such notice shall set forth that the assessor has completed his assessment roll and that a copy thereof is left at some place to be specified therein where the same may be seen and examined by any of the inhabitants of the town during twenty days, and that the assessor will meet on such a day and at such a place (naming them) to review the assessment on the application of any person considering himself aggrieved.

Sec. 6. The assessor shall meet at the time and place specified in the notice and make all such alterations in the assessment roll as shall be shewn to be reasonable by any person considering himself aggrieved by his assessment, but in all cases the assessor may require such person or agent to make affidavit of the facts in relation to his assessment if he deem necessary.

Sec. 7. The affidavit specified in the preceding section shall be made before the assessor, who is hereby authorized to administer an oath for that purpose, and the assessor shall cause all such affidavits to be filed in the office of the town clerk.

Sec. 8. After having corrected the assessment roll as herein provided the assessor shall sign the same and shall attach thereto a certificate in the following form which shall also be signed by him, viz:

I do certify that the foregoing assessment roll comprises all the real and personal estate liable to taxation by law, situated in the town of

according to the best of my information and belief and that with the exception of those cases in which the real estate has been sworn to by the owners or possessors thereof I have appraised the same under my oath as assessor according to law.

CHAPTER X.

DUTIES OF THE TOWN SUPERINTENDANT OF COMMON SCHOOLS.

SECTION 1. It shall be the duty of the superintendent of common schools to examine all teachers and to visit all the schools in his town at least once in each quarter. It shall be his duty in visiting such schools to examine into the condition of such school both as respects the progress of the scholars in learning and good order and to give his advice and direction to the trustees and teacher as to the government of such school and the books to be used, and the course of studies to be pursued therein.

SEC. 2. In the examination of the teacher it shall be the duty of the superintendent to ascertain the qualification of the candidate as to moral character, learning and ability and if on examination of such candidates the superintendent be satisfied that the candidate possesses the required qualifications he shall give such candidate a certificate of approbation.

SEC. 3. The said superintendent shall have the power at any time to re-examine each and every teacher in his town for the purpose of ascertaining his, her or their qualifications to continue as such teacher and on such re-examination the superintendent may annul or revoke any certificate given by him or his predecessor, giving the trustees of such district five days notice thereof.

SEC. 4. The superintendent of common schools shall in all cases be under the control and direction of the state superintendent of public instruction and shall whenever called on by the state superintendent give any information in his possession relating to the several schools in his town.

SEC. 5. In case of a vacancy in the office of the superintendent of common schools from any cause whatever, the town clerk shall act as such superintendent and do and perform all the duties required by law of the said superintendent.

CHAPTER XI.

RELATING TO THE DUTIES OF TOWN TREASURER.

SECTION 1. The town treasurer shall within ten days after notice of his election and before he enters upon the duties of his office, file with the town clerk his bond to the supervisors of such town with one or more sufficient sureties to be approved by said supervisors in the penal sum of double the amount of the sums voted to be raised at the town meeting at which he was elected. And shall also before he shall receive the tax list and warrant annexed make and execute to the supervisors aforesaid a bond with good and sufficient sureties in double the amount of the county and state taxes to be collected in his town both of said bonds conditioned for the faithful discharge of his duties both as treasurer of such town and as collector of the assessments in said town. And shall also take and subscribe before such clerk an oath to support the constitution of the United States and constitution of the state of Wisconsin and faithfully to discharge the duties pertaining to his office as prescribed by law according to the best of his ability, which oath shall be filed by said clerk together with said bond.

SEC. 2. Upon receipt of the assessment roll for the current year with the tax list and warrant annexed, the treasurer shall forthwith post up notices in three or more public places in such town that the taxes levied in such town are placed in his hands for collection, and that the taxes charged therein are subject to payment at his office, or tender of the same at any time previous to the 15th day of November in such year.

SEC. 3. On all taxes so paid or tendered at the office of such treasurer previous to said 15th day of November, it shall be lawful for the treasurer to demand and receive from the person so paying one per centum for his fees.

SEC. 4. The said treasurer shall after the said 15th day of November proceed to collect all taxes charged in such assessment and remaining unpaid by demanding the same of the persons charged therewith or upon the premises charged therein, and in case of payment on such demand it shall be lawful for the treasurer to demand from the person paying the same five per centum on the amount so charged.

SEC. 5. In case of assessment of taxes in gross upon any tract or lot of land, the treasurer shall upon application of any claimant to any part

thereof whether his interest be divided or undivided receive a part of the tax charged thereon proportionate to the part of such lot or tract so owned or claimed, and the balance of the tax charged thereon shall be a lien only on the balance of such tract or lot of land.

SEC. 6. In case of refusal or neglect to pay such tax or any part thereof on demand as provided in section 4 it shall be lawful for said treasurer to levy the same by distress of the goods and chattels of the person charged therewith.

SEC. 7. The treasurer shall give public notice by posting in three or more public places in such town of the time and place of such sale containing a description of such property, which notice shall be posted up at least six days previous to the day of sale, which sale shall be by public auction.

SEC. 8. It shall be lawful for said treasurer to deduct from the proceeds of such sale the amount of tax charged and for which sale was made together with ten per centum on the amount so charged and fifty cents for advertising.

SEC. 9. If the property distrained shall be sold for more than the amount of taxes and costs of sale the surplus shall be returned to the person from whom the property was taken, on demand.

SEC. 10. If no goods or chattels can be found out of which to make the taxes charged upon any lands or town lots or if sufficient goods and chattels cannot be found, the said treasurer shall on or before the 15th day of January then next, return his transcript roll together with his doings thereon to the town clerk's office, said returns shall specify,

1st, The amount of all taxes by him so collected.

2d, The description of all lands in which the taxes are unpaid and the name of the owner thereof if known.

3d, He shall file in the town clerk's office a verification under oath that he has made diligent enquiry in his town as the law requires but has not been able to find goods and chattels liable to be taken for the payment of taxes so returned or any part thereof, sufficient to cancel the same.

SEC. 11. When any treasurer discovers that any tract of land or town lot have been assessed more than once for the same year he shall demand only the taxes really due and shall return the balance as an illegal assessment and shall describe the same to the town clerk, and if the same shall be correctly returned it shall be so certified by the clerk and credited to the

treasurer and when any treasurer shall discover any lands not entered in his assessment roll and subject to taxation he shall enter the same and collect the tax on the same and in the same manner as other taxes but shall in no case tax such lands higher than similar adjoining lands.

Sec. 12. If any individual shall be injured by the false return of any treasurer made to any precept under the provisions of this act or other illegal or fraudulent act of such treasurer in the collection of taxes, such individual upon suit brought against such treasurer and his securities upon their bond for his use shall recover double damages and full costs and charges.

Sec. 13. The treasurer shall in the collection of taxes for town taxes take such town orders drawn by the supervisors as may be presented and for county taxes such county orders as may be presented to him in payment for any tax so assessed.

Sec. 14. On or before the 25th day of January in each year it shall be the duty of the treasurer of every town to pay over the amount of all taxes by him collected for county and state purposes to the county treasurer, and if the said treasurer shall fail to pay over to the county treasurer any money by him collected for county or state purposes for more than two weeks after the said 25th day of January annually the county treasurer may sue for and collect the same upon the bond of the said town treasurer with twenty per centum damages, besides costs of suit.

Sec. 15. If any treasurer shall fail to return the precept and duplicate to the clerk or shall fail to account for and make payment of the sums collected as hereinbefore provided or shall make a false return thereto the supervisors of the town or the treasurer of the county as the case may be shall institute suit against said treasurer, and the judgments thereon shall be for the full amount of the taxes required to be collected by the precept accompanying said assessment and payable to such town or county together with costs and charges, and the duplicate of said assessment and the receipt of said treasurer on receiving said assessment from the town clerk shall be sufficient evidence of such amount.

Sec. 16. The treasurer may appoint one or more deputies for the collection of taxes who shall be sworn and possess the same powers and authority in the collection of taxes granted by this act to the treasurer but the said treasurer shall be responsible upon his bonds for all the acts of such deputy or deputies.

SEC. 17. The town treasurer shall receive and take charge of all moneys belonging to his town and pay over and account for the same, according to the order of said town, upon the orders of the officers hereof duly authorized in that behalf.

SEC. 18. Every town treasurer shall keep a true and accurate account of all moneys by him received and for what account the same was received and the manner in which and upon what evidence the same was disbursed in a book for that purpose and exhibit the same together with his vouchers annually on the Monday next preceding the annual town meeting to the board of supervisors for adjustment, and shall annually deliver all books and property belonging to his town and the balance of all moneys found due from him to his successor in office on demand after said successor shall have given bonds according to law.

SEC. 19. The town treasurer shall when so ordered by any two supervisors or by the town in town meeting prosecute any suit upon bonds notes or other securities given to him or his predecessor in office and may also sue for and recover all such fines and penalties as may be forfeited to his town for the violation of any rule or regulation adopted by such town or arising by the penalties of law, which suit or suits may be instituted in any court of competent jurisdiction in the name of such treasurer in his official capacity.

SEC. 20. The treasurer shall in like manner have power to prosecute for trespass committed on any public building or enclosure belonging to his town and when any public building is owned partly by the town and partly by the county the prosecution may be instituted either by the treasurer of the town or the county, whichever shall first prosecute therefor.

SEC. 21. Said treasurer shall be entitled to receive two per centum on all amounts by him disbursed which amount shall be audited and paid in the same manner as other town charges.

CHAPTER XII.

OF THE POWERS DUTIES AND PRIVILEGES OF COUNTIES AND OF COUNTY OFFICERS.

PART 1.

Of the Powers and Rights of Counties as Bodies Corporate.

SECTION 1. Every county now organized or which may hereafter be

organized within this state shall be a body corporate for all purposes prescribed by law, and shall have capacity,

- 1st, To sue and be sued, defend and be defended as the law prescribes;
- 2d, To purchase and hold lands within its own limits for county purposes, subject to the power of the legislature;
- 3d, To make contracts and to purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers.

SEC. 2. No county shall possess or exercise any corporate powers except such as are specially given by law or shall be necessary to the exercise of the powers so given.

SEC. 3. The powers of a county as a body politic shall only be exercised by the board of supervisors thereof, or in pursuance of an order or resolution by them adopted.

SEC. 4. All acts and proceedings by or against a county in its corporate capacity shall be in the name of the board of supervisors of such county.

PART 2.

Of the Board of Supervisors.

SEC. 1. The board of county supervisors shall consist of the chairman of the board of supervisors of each town in the county, and representation from a majority of the towns in any one county shall constitute a quorum to transact business.

SEC. 2. An annual meeting of the board of county supervisors of each county shall be holden on the first Tuesday of October at the county seat, they may also hold special meetings at such time and places as they may deem necessary either by adjournment or by call as hereinafter prescribed.

SEC. 3. The board of supervisors in each county in this state shall have power,

- 1st, To have a common seal and alter the same at pleasure;
- 2d, To make such orders concerning the corporate property of the county as they may deem expedient;
- 3d, To examine, settle and allow all accounts chargeable against such county and to direct the raising of sums of money as may be necessary to defray the same;
- 4th, To build and keep in repair county buildings and to raise money for

the same: Provided it shall be concurred in by a vote of two-thirds of the members present;

5th, To set off, organize and change the boundaries of towns in their respective counties;

6th, To lay out, alter, or discontinue roads in their respective counties and to appoint commissioners to co-operate with commissioners from other counties when roads pass through more than one county; and

7th, To perform all the duties that may be required of them by any law of this state.

The following legislative powers are hereby conferred on the boards of supervisors subject to the control of the legislature of this state:

1st, To alter, vacate, or discontinue territorial or state roads;

2d, to authorize the levying and collecting taxes for specific purposes, in any town or school district when the same powers are not conferred by the legislature on such towns or school districts;

3d, To transact such further local legislation which may be deemed beneficial to the county or any town therein, the effect of which shall not extend beyond the limits of their respective counties. Nothing herein contained shall be construed to confer on the boards of supervisors any power to grant any corporate privileges to any person or persons whatever.

SEC. 4. The board of supervisors shall set with open doors; and all persons conducting in an orderly manner may attend their meetings. It shall be the duty of the several boards of county supervisors to furnish the assessors of the several towns of their counties, respectively, suitable and convenient blank books for the assessment rolls of said towns.

SEC. 5. They shall at each annual meeting choose one of their number as chairman, who shall preside at such meeting, and at all other meetings held by such board during the year. In case of his absence at any meeting, the members present shall choose one of their number as a temporary chairman.

SEC. 6. Every chairman shall have power to administer an oath or affirmation to any person concerning any matter submitted to the board or connected with their powers or duties.

SEC. 7. In case of the inability, by sickness or otherwise of any chairman of the town board of supervisors to attend a meeting of the county board, such chairman may appoint in writing one of his associate town supervisors to act in his stead.

and by law out of the town treasury, they shall however keep a full and accurate account of all expenditures by them so made and the amount so drawn.

SEC. 3. The supervisors on the Monday preceding the annual town meeting in each year, shall meet at the place of holding such meetings, to settle with the treasurer, and audit the accounts of all disbursing officers, and make a detail report of the fiscal concerns of the town to the annual town meeting; which shall be accompanied with an estimate of the current expenses of such town for the ensuing year. Such report and estimates shall be referred to a committee of the electors of such town, whose duty it shall be to examine the same with reference to the supervisors accounts and doings and report the same for acceptance or otherwise at said meeting.

SEC. 4. The chairman shall annually lay before the board of county supervisors attested copies of all records which shall require to be acted upon by that board.

SEC. 5. The board of supervisors of each town, together with the town clerk, shall constitute a board of inspectors and discharge their duties as such according to law.

SEC. 6. In case there shall be only one organized town in any county then in that case the board of town supervisors shall constitute a board of county supervisors for such county.

CHAPTER VIII

OFFICE OF THE TOWN CLERK.

SECTION 1. That the town clerk of each town in this state shall be the custodian of all records, books and papers of the town and he shall file the same in such order and manner as may be required by law to be kept in his office. Next on the list of the board of supervisors shall be the recording of such records as shall be required by law to be recorded by the town clerk. He shall also be the custodian of the records of the town and he shall enter in such book or books all orders, resolutions, laws and regulations made by any such town or town.

SEC. 2. The town clerk immediately after the qualifying of any eligible chosen or appointed in their respective towns shall return to the clerk of their respective counties the name of such constable.

Sec. 3. If any town clerk shall wilfully omit to make such return, such omission is hereby declared to be a misdemeanor and on conviction thereof the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

Sec. 4. Immediately after the completion of any assessment roll the town clerk shall make out a duplicate or transcript of the same together with a precept in the name of the state under his hand and seal directed to the treasurer of the town, commanding him to collect the taxes charged in such transcript by demanding payment of the persons charged therein if within his town, and making sale of their goods and chattels according to law, and the town clerk shall in like manner, require of the treasurer to pay over to the county treasurer the amount by him so collected on account of county and state taxes at such time and in such sums as may be expressed therein according to law and to make return of his precept together with his doings thereon to the town clerk on or before the fifteenth day of January next following.

Sec. 5. Copies of all papers du'y filed in the office of the town clerk and transcript from the book of records, certified by him, shall be evidence in all courts in like manner as if the originals were produced.

Sec. 6. It shall be the duty of the town clerk on the reception of the corrected assessment roll, and the amount of county tax to be paid by his town, forthwith to calculate and carry out the amount of taxes including town and county taxes in an additional column or that purpose prepared in the assessment roll opposite to the several sums set down as the valuation of real and personal estate.

Sec. 7. The town clerk of every town shall take for the use of the town one copy of each newspaper printed in the county in which such town is located which paper shall be safely preserved with the books of the town and bound in volumes as shall be directed by the supervisors of the town.

CHAPTER IX.

DUTY OF ASSESSORS.

SECTION 1. The assessor in each town shall once in each year, between the first day of May and the first day of June make out an assessment roll of all the taxable persons and property in their towns in the manner hereinafter provided.

prior to the first district meeting. But nothing in this section contained shall be so construed as to impair the effect of the record kept by the superintendant as evidence.

SEC. 10. Every school district shall in all cases be considered as being legally organized when it shall have exercised the franchises and privileges of a district for the term of two years.

DISTRICT MEETINGS.

SEC. 11. The annual meeting of each school district shall be held on the last Monday of September in each year and the school year shall commence on that day. The hour of meeting shall be six o'clock in the afternoon unless otherwise provided by the by-laws of the district.

SEC. 12. Special meetings may be called by the district board or by any one of them on the written request of any five legal voters of the district by giving the notice required in the next succeeding section, and in all notices of special meeting the object of the meeting shall be stated.

SEC. 13. All notices of annual or special district meetings after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least six days previous to such meeting by posting up copies thereof in three of the most public places in the district, and in case of any special meeting called for the purpose of establishing or changing the site of a school house, such notice shall be given at least ten days previous thereto.

SEC. 14. No district meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

SEC. 15. Every male inhabitant of the age of twenty-one years residing in the district and liable to pay a school district tax therein, shall be entitled to vote at any district meeting.

SEC. 16. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting, shall declare to the person challenged the qualifications of a voter, and if such person shall declare that he is a voter, and the challenge shall not be withdrawn, the said chairman shall tender him an oath in substance as follows: You do swear (or affirm) that you are twenty-one years of age, that you are an actual resident of this school district and liable to pay a school district tax therein; and every

person taking such oath shall be permitted to vote on all questions proposed at such meeting:

Sec. 17. If any person shall refuse to take such oath his vote shall be rejected, and any person who shall wilfully take a false oath or affirmation under the provisions of the preceding section shall be deemed guilty of perjury.

Sec. 18. When any question is taken in any other manner than by ballot a challenge immediately after his vote has been taken shall be deemed to be made when offering to vote and treated in the same manner as aforesaid:

Sec. 19. The qualified voters of such school district when lawfully assembled shall have power to adjourn from time to time, as may be necessary; to designate a site for a school house a majority of all the legal voters present and to change the same by a vote of two thirds of all legal voters present at any regular meeting.

Sec. 20. When no site can be established by such inhabitants as aforesaid the supervisors of the town or towns in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district and shall be final, subject to alteration afterwards by the supervisors only.

Sec. 21. The said qualified voters shall also have power at any such meeting to direct the purchasing or leasing of an appropriate site, and the building, hiring or purchasing of a school house and to impose such tax as may be sufficient for the payment thereof subject to the limitation contained in the succeeding section.

Sec. 22. The amount of taxes to be raised in any district for the purpose of purchasing or building a school house shall not exceed the sum of three hundred dollars in any one year unless there shall be more than thirty scholars residing therein between the ages of four and twenty years, and the amount thereof shall not exceed four hundred dollars in any one year unless there shall be more than fifty scholars residing in the district between the ages as aforesaid.

Sec. 23. Such qualified voters when assembled as aforesaid may from time to time impose such a tax as shall be necessary to keep their school house in repair and to provide the necessary appendages and to pay and discharge any debts or liabilities of the district lawfully incurred, and in districts containing more than fifty scholars between the ages of four and

twenty years may raise a sum not exceeding twenty dollars in any one year for the purchase of globes, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry or the mechanic arts.

Sec. 24. They may also determine at each annual meeting the length of time a school shall be taught in their district the ensuing year, which shall not be less than three months, and whether by male or female teacher, or both. And whether the moneys apportioned for the support of the school therein shall be applied to the summer or winter term, or a certain portion to each.

Sec. 25. In case any of the matters in the preceding section are not determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

Sec. 26. Said qualified voters may also at any regular meeting authorize and direct the sale of any school house, site, building, or any other property belonging to the district, when the same shall no longer be needed for the use of the district.

Sec. 27. They may also give such direction and make such provision as they shall deem necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party or interested.

DISTRICT OFFICERS, THEIR POWERS AND DUTIES.

Sec. 28. The officers of each school district shall be a moderator, director and treasurer, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen and filed their acceptance, but not beyond ten days after the time of a second annual meeting after their election or appointment without being again elected or appointed.

MODERATOR.

Sec. 29. The moderator shall have power, and it shall be his duty to preside at all meetings of the district, to sign all warrants for the collection of tax bills after they shall have been prepared and signed by the director and to countersign all orders upon the treasurer for moneys to be disbursed by the district and all warrants of the director upon the township treasurer for moneys raised for district purposes or apportioned to the district by the town clerk. But if the moderator shall be absent from any

district meeting, the qualified voters may elect a suitable person to preside at the meeting.

SEC. 30. If at any district meeting any person shall conduct himself in a disorderly manner, and after notice from the person presiding, shall persist therein, the presiding officer may order him to withdraw from the meeting and on his refusal may order any constable or other person or persons, to take him into custody until the meeting shall be adjourned.

SEC. 31. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, or who shall wilfully disturb such meeting, shall for every such offence forfeit a sum not exceeding twenty dollars to be recovered by the district in an action of debt, before any justice of the peace of the proper county.

TREASURER.

SEC. 32. The treasurer shall pay over all moneys in his hands belonging to the district on the warrant of the director, countersigned by the moderator and shall collect all tax bills for tuition and fuel, in obedience to the command contained in the warrant annexed thereto.

SEC. 33. In case any person shall neglect or refuse to pay the amount on such tax bill for which he is liable on demand, the treasurer shall collect the same by distress and sale of any goods or chattels of such person wherever found within any county in which the district or any part thereof is situated.

SEC. 34. The treasurer shall give at least ten days notice of such sale by posting up written notice thereof in three public places in the town where such property shall be sold.

SEC. 35. At the expiration of his warrant the treasurer shall make a return thereof in writing with the tax bill attached, to the director stating the amount on said tax bill collected, the amount uncollected, and the names of the persons from whom collections have not been made.

SEC. 36. The treasurer shall appear for and on behalf of the district in all suits brought by and against the same. When no other direction shall be given by the qualified voters in district meeting except in suits in which he is interested adversely to the district, and in all such cases the director shall appear for such district if no other direction be given as aforesaid.

DIRECTOR:

Sec. 37. The director shall be the clerk of the district board and of all the district meetings when present, but if he shall not be present at any district meeting the qualified voters present may appoint a clerk of such meeting who shall certify the proceedings thereof to the director to be by him recorded.

Sec. 38. The director shall record all the proceedings of the district in a book to be kept for that purpose and preserve copies of all reports made to the superintendant, and safely to preserve and keep all books and papers belonging to his office.

Sec. 39. By and with the advice and consent of the moderator and treasurer or one of them, the director shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing and shall have the consent of either the moderator or treasurer or both endorsed thereon, and shall specify the wages per week or month as agreed by the parties and a duplicate thereof shall be filed in his office.

Sec. 40. The director shall provide the necessary appendages for the school house and keep the same in good condition and repair during the time a school shall be taught therein, and shall keep an accurate account of all expenses incurred by him as director.

Sec. 41. He shall present said account for allowance to the qualified voters of the district at a regular meeting and the amount of said account so allowed by such meeting shall be assessed and collected in the same bill with other district taxes, but no such account shall be allowed at a special meeting unless the intention to present the same shall be expressed in the notice of such meeting.

Sec. 42. He shall give the prescribed notice of the annual district meeting and of all special meetings in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school house if there be one.

Sec. 43. The director shall draw from the town library the proportion of books to which his district shall be entitled and return the same to the town library at the expiration of three months, and shall continue to draw books in like manner, at the expiration of every three months, and to return the same as aforesaid.

Sec. 44. He shall distribute the books drawn out by him to the parents or guardians of the children of the district of the proper age, for the time and under the restrictions contained in the rules prescribed by the superintendent.

Sec. 45. He shall draw and sign all orders upon the treasurer for all moneys to be disbursed by the district, and all warrants upon the town treasurer for moneys raised for district purposes, or apportioned to the district by the town clerk, and present the same to the moderator to be countersigned by him.

Sec. 46. The director shall also at the end of each school year deliver to the town clerk to be filed in his office a report of the superintendent of the town showing.

1st. The whole number of children belonging to the district between the ages of four and twenty years according to the census taken as aforesaid.

2d. The number attending school during the year under four, and also the number over twenty years of age.

3d. The whole number that have attended school during the year.

4th. The length of time school has been taught during the year, by a qualified teacher, the name of each teacher, the length of time kept by each and the wages paid to each.

5th. The average length of time scholars between four and twenty years of age have attended school during the year.

6th. The amount of money received from the town treasurer apportioned to the district by the town clerk.

7th. The amount raised by the district and the purposes for which it was raised.

8th. The kinds of books used in the school.

9th. Such other facts and statistics in regard to schools and the subject of education as the superintendent of common schools shall direct.

DISTRICT BOARD.

Sec. 47. The moderator, director and treasurer shall constitute the district board.

Sec. 48. Said board shall between the last Monday of September and the second Monday of October in each year make out and deliver to the supervisors of each town in which any part of said district is situated a report in writing under their hands, of all taxes which said board is au-

authorized to impose, to be levied on the taxable property within the district.

SEC. 49. Said board shall exempt from the payment of school tax all such persons residing in their district as in their opinion ought to be exempted and shall certify such exemption to the director, and the children of such persons shall be admitted to the district schools free of charge during the term of such exemption.

SEC. 50. They shall purchase or lease such a site for a school house, as shall have been designated by the district in the corporate name thereof, and shall build, hire or purchase such school house out of the fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed by the qualified voters of such district at an annual or special meeting: Provided, that the district board shall not in any case build a school house the cost of which shall exceed one hundred dollars, without first having obtained a title in fee for the same or a lease for ninety-nine years.

SEC. 51. The district board shall apply and pay over all school moneys belonging to the district in accordance with the law, regulating the same as may be directed by the district, but no school moneys apportioned to any district shall be appropriated to any other purpose than the payment of teachers wages, and no part thereof shall be paid to any teacher who shall not have received a certificate as required in this chapter before the commencement of his or her school.

SEC. 52. The moderator and director shall require of the treasurer and the treasurer shall execute to the district a bond in double the amount of money to come into his hands as treasurer during the year (as near as the same can be ascertained) with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all monies that shall come into his hands by virtue of his office.

SEC. 53. Such bond shall be filed with the director, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money when collected shall be paid into the town treasury, for the use of the district, subject to the order of proper district officers.

SEC. 54. Said board shall present to the district at each annual meeting a report in writing, containing an accurate statement of all moneys received by them or any of them, during the preceding year, and of the dis-

bursements made by them with the items of such receipts and disbursements.

Sec. 55. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year; the purposes for which said taxes were assessed, and the amount assessed for each particular purpose, and said report shall be recorded by the director.

Sec. 56. The said district board shall have the care and custody of the school house and other property of the district, except so far as the same shall be specially confided to the custody of the director, including all books purchased for the use of pupils admitted to the school free of charge.

Sec. 57. The said board shall have power to fill by appointment any vacancy that shall occur in their own number, and it shall be their duty to fill such vacancy within ten days after it shall occur.

Sec. 58. If the treasurer shall fail to give bonds as is required by this chapter, or from sickness or any other cause shall be unable to attend to the duty of collecting any district tax bill, the said board shall appoint an acting treasurer for that purpose, who shall possess all the powers of the district treasurer and shall before proceeding to the collection thereof give bonds to the district in double the amount to be collected, in the same manner and with the same effect as the district treasurer is required to give such bond.

TOWN BOARD OF SCHOOL INSPECTORS.

Sec. 59. The supervisors shall divide the town into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper. Each district shall be composed of contiguous territory, and be as compact as possible, but no land shall be taxed for building a school house unless some portion of said land shall be within two miles of the site of said school house.

Sec. 60. They may attach to a school district any person residing in the township, and not in any organized district, at his request, and for all district purposes except raising a tax for building a school house, such person shall be considered as residing in said district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Sec. 61. The superintendent shall apply for and receive from the town

treasurer, all moneys appropriated for the town library of their town, and shall purchase the books and procure the necessary appendages for the town library, in connection with the superintendent of public instruction and make such rules for the regulation thereof as he may deem proper.

Sec. 62. When a new district is formed in whole or in part from one or more districts possessed of a school house or entitled to other property the supervisors at the time of forming such new district shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed as the proportion of such new district of the value of the school house and other property belonging to the former district at the time of such division.

Sec. 63. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division by the best evidence in the power of the superintendent, and such amount of any debt due from the former district which would have been a charge upon the new had it remained in the former district shall be deducted from such proportion.

Sec. 64. The amount of such proportion when so ascertained and determined, shall be certified by the town clerk to the supervisor of the town whose duty it shall be to assess the same upon the taxable property of the district, retaining the school house or other property of the former district in the same manner as if the same had been authorized by a vote of such district and the money so assessed shall be placed to the credit of the taxable property taken from the former district and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes.

Sec. 65. When collected, such amount shall be paid over to the treasurer of the new district to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school house or other district purposes.

Sec. 66. Between the first and fifteenth days of October in each year the supervisors shall make out and deliver to the town clerk a report to the county clerk setting forth the whole number of districts in their town, the amount of money raised and received for the town library, together with the several particulars set forth in the reports of the school directors for the preceding year.

Sec. 67. The superintendent, before making his annual report to the county clerk shall examine the record of teachers to whom certificates have been given by them, and if in any school district a school shall not have been taught for three months during the preceding school year by a qualified teacher no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught and it shall be the duty of the board to certify the facts in relation to any such district in their report to the county clerk.

Sec. 68. Whenever it shall be necessary or convenient to form a district from two or more adjoining towns, the supervisors may form such district, and direct which town clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary and they shall also designate the town to which the director of such district shall make his annual report.

Sec. 69. The director of every district formed as provided in the preceding section shall also report to the clerk of each town in which the district is in part situated the number of children between the ages of four and twenty years in that part of the district lying in such town, and books shall be drawn from the library of each town for the use of such district, but the district shall have access to but one such library at the same time, and the said superintendent shall establish the order in which books shall be drawn from each town library.

Sec. 70. Such school district already formed from two or more towns shall continue to be governed by the regulations already established according to law in relation to the annual reports, and the drawing of books from town libraries, subject to such changes as may be made in respect thereto, by the said superintendent in conformity with the preceding provisions.

Sec. 71. The full amount of all taxes to be levied upon taxable property in such district shall be certified by the district board, to the supervisor of each of such towns, and each of said supervisors within whose town such district is in part situated, the amount of taxable property in that part of the district lying in his town and such supervisors shall respectively ascertain the proportion of such taxes to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

Sec. 72. It shall be the duty of the superintendent to examine annu-

all persons offering themselves as candidates as teachers of primary schools in their towns, in regard to moral character, learning and ability to teach school: and he shall deliver to each person examined and found qualified, a certificate signed by him in such form as shall be prescribed by the superintendent of public instruction; which certificate shall be in force for one year from the date thereof, unless annulled within the time, and no person shall be deemed a qualified teacher within the meaning of this act, who has not such a certificate in force.

SEC. 73. For the purpose of making such examination the superintendent shall meet on the second Saturday of April and first Saturday of November in each year at the office of the town clerk or at such other place as he shall designate, of which meetings the town clerk shall give at least ten days notice in writing by posting up the same in three public places in the town.

SEC. 74. The superintendent may make such examination at such other times as he may designate for that purpose, but shall make no charge against the town for examination of teachers at any other time than those specified in the preceding section.

SEC. 75. The examination of teachers shall be public, and no certificate shall be given by the superintendent unless he is satisfied that the applicant possesses a good moral character and a thorough and accurate knowledge of the several branches of study usually taught in primary schools, and is competent in all other respects to teach and govern a school.

SEC. 76. When a district is situated in two or more towns, the teachers for such district shall be examined by the superintendent of the town to which the director is required to make his annual report.

SEC. 77. Whenever the superintendent shall deem it necessary to re-examine any teacher of a primary school in their town they shall give five days notice to such teacher of the time and place of such re-examination, and of their intention to annul his certificate if they find him deficient in the requisite qualifications: and at the time and place specified in the notice if such teacher shall not appear and submit to such re-examination or if he be found deficient as aforesaid the superintendent shall annul the said certificate.

SEC. 78. Whenever the superintendent of any town shall deem that the interests of any of the schools will be best promoted by so doing he may form a single district out of any two or more districts therein, and classify

The pupils in such district into two or more classes according to their proficiency and advancement in learning, and require that such pupils be taught in district schools or departments as classified by them, and such district may have the same number of school houses, if necessary, and to raise the same amount of taxes which the original districts forming the same could raise if not united.

SEC. 79. The said superintendent may also on the application of the district board of any district, classify the pupils therein in the manner prescribed in the preceding section, and require that the pupils be taught in distinct departments whenever he shall judge that the interest of the school will best be promoted thereby, and in case of any such classification as is provided for in this or the preceding section, as many teachers may be employed for each district as there are departments in which teachers are required.

SEC. 80. It shall be the duty of the superintendent to render to the township board on the Tuesday next preceding the annual town meeting a full and true account of all monies received and disbursed by him as such superintendent during the year, which account shall be settled by said town board and such disbursements allowed if the proper vouchers are presented.

CERTAIN DUTIES OF TOWN CLERK.

SEC. 81. The town clerk on receiving notice from the county treasurer of the amount of school moneys apportioned to his town shall apportion the same among the several districts therein entitled to the same, in proportion to the number of children in each between four and twenty years of age, as the same shall be shown by the annual report of the director of each district for the school year last closed.

SEC. 82. Said clerk shall also apportion in like manner, on receiving notice of the amount from the town treasurer, all monies raised by town tax or received from other sources for the support of schools, and in all cases make out and deliver to the town treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office.

SEC. 83. He shall receive and keep all reports to the superintendent from the directors of the several school districts in his town, and all the

books and papers belonging to the superintendent and file such papers in his office.

SEC. 84. He shall receive all such communications as may be transmitted to him by the superintendent of common schools and dispose of the same in the manner directed therein.

SEC. 85. He shall transmit to the clerk of the board of supervisors of his county all such reports as may be delivered to him for that purpose by the superintendent within the time limited in this chapter.

SEC. 86. Each town clerk shall cause a map to be made of his town showing by distinct lines thereon the boundaries of each school district and parts of school districts therein, and shall regularly number the same thereon as established by the supervisors.

SEC. 87. One copy of such map shall be filed in said clerk's office, and one other copy he shall give to the supervisors of his town, and within one month after any division or alteration of a district or the organization of a new one in his town the said clerk shall file a new map and copy thereof as aforesaid showing the same.

SEC. 88. The clerk shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school house or other property, on the division of the district as the same shall have been determined by the superintendent and he shall also certify the same to the director of such district and to the director of the district entitled thereto.

SEC. 89. Said clerk shall also be the town librarian and as such shall have custody of the town library, and he shall do and execute all such other acts and things pertaining to his office as may be required of him by the superintendent.

OF TAXES FOR SCHOOL PURPOSES.

SEC. 90. It shall be the duty of the supervisors of the towns in this state to assess the taxes voted by every school district in their town, and also all other taxes provided in this chapter chargeable against such district or town upon the taxable property of the district or town respectively, and to place the same on the town assessment roll, in the column of school taxes and the same shall be collected and returned by the town treasurer in the same manner and for the same compensation as town taxes.

SEC. 91. The supervisors of each town shall assess upon the taxable property of said town a sum not less than one half of the amount received by said town from the school fund of this state, and the same shall be collected and returned in the same manner as is provided in the preceding section and shall be apportioned to the several school districts in the town in proportion to the number of children in each district between the ages of four and twenty years for the support of schools therein.

SEC. 92. The supervisors shall also assess upon the taxable property of their township two and a half mills on each dollar of the valuation thereof in each year which shall be apportioned to the several school districts in the townships for the support of schools therein, and the same shall be levied, collected and returned in the same manner as provided in the preceding section.

SEC. 93. Each school district at any regularly called meeting of the legal voters of said district may raise an additional tax to defray the expenses of teachers wages and contingent expenses: and said tax shall be levied collected and returned as the town taxes provided for in this act: Provided, that when a tax shall be voted in any school district meeting, the notice for such meeting shall specify the object of raising such tax.

SEC. 94. The supervisors on delivery of the warrant for the collection of taxes to the town treasurer, shall also deliver to said treasurer a written statement of the amount of school taxes, the amount raised for district purposes on taxable property of each district in the town, the amount belonging to any new district on the division of the former district and the names of all persons having judgments assessed under the provisions of this chapter, upon the taxable property of any district, with the amount payable to such person on account thereof.

SEC. 95. The town treasurer of each town shall retain in his hands out of the moneys collected by him the full amount of the school tax collected on the assessment roll, and hold the same subject to the order of the district treasurer.

SEC. 96. Said treasurer shall from time to time apply to the county treasurer for all school moneys belonging to his town or the districts thereof, and on the receipt of the moneys to be apportioned to the districts, he shall notify the town clerk of the amount to be apportioned.

CERTAIN DUTIES OF COUNTY CLERK.

Sec. 97. It shall be the duty of each clerk of the county board of supervisors to receive all such communications as may be directed to him by the superintendent of common schools and dispose of the same in the manner directed by him.

Sec. 98. The clerk of each county shall on or before the tenth day of November in each year, make and transmit to the superintendent of common schools a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the superintendent and containing an abstract of their reports.

Sec. 99. He shall also within the time mentioned in the preceding section make and deliver to the county treasurer a written statement of the whole number of children in each town in the county between the ages of four and twenty years as shown by the superintendents reports, and the board of supervisors of each county shall allow to the clerk thereof such compensation as they may deem reasonable for the services required of him by the provisions of this chapter.

LIBRARIES.

Sec. 100. So soon as the total annual income of the school fund in this state shall amount to a sum equal or exceeding the sum of sixty thousand dollars, it shall be the duty of the superintendent of the several towns to appropriate annually ten per cent. of all the moneys received by their respective towns to the purchase of books for a common school library, which shall be the property of the town and the parents and guardians of all children therein between the ages of four and twenty years, shall be permitted to use books from such library without charge, being responsible to the town for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the superintendent of the town.

Sec. 101. The books in such library shall once in three months be distributed by the town librarian among the several school districts of the town, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the director thereof, and said books shall be drawn and returned by the several directors for their respective districts.

SEC. 102. In each district in which a district library shall be established, the director shall act as librarian for the district, distribute the books therein to the children of his district of the proper age, and shall collect from the parents or guardians of such children all such damage as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the town library, pursuant to such rules as shall be prescribed by the superintendent.

SEC. 103. If such damages shall have occurred to the town library, they shall be collected in the name of the town and paid into the town treasury for the benefit of such town library, and if the same shall have occurred to the district library, the same shall be collected in the name of the district for the benefit of the district library.

DISTRIBUTION OF INCOME OF THE SCHOOL FUND.

SEC. 104. The interest of the school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year for the support of common schools, in the several townships in this state, from which reports have been received by the superintendent of common schools in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such town between the ages aforesaid and the same shall be payable on the warrant of the state treasurer to the treasurer of the several counties.

SEC. 105. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due, and each of said treasurers shall immediately give notice to the treasurer and clerk of each town in his county of the amount of moneys apportioned to his town, and shall hold the same subject to the order of the town treasurer.

SEC. 106. Whenever the clerk of the county board of supervisors of any county shall receive from the superintendent notice of the amount of moneys apportioned to the several towns in his county he shall file the same in his office and forthwith deliver a copy thereof to the county treasurer.

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

SEC. 107. Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested when the amount claimed or matter in controversy shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases.

SEC. 108. When any suit shall be brought against any school district it shall be commenced by summons, a copy of which shall be left with the treasurer of the district, at least eight days before the return day thereof.

SEC. 109. No execution shall issue on any judgment against a school district nor shall any suit be brought thereon but the same shall be collected in the manner prescribed in this chapter.

SEC. 110. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the treasurer of the district shall certify to the supervisors of the town and to the director of the district, the date and amount of such judgment with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the treasurer shall certify the same as aforesaid, immediately after the final determination thereof against the district.

SEC. 111. If the treasurer shall fail to certify the judgment as is required in the preceding section it shall be lawful for the party obtaining the same his agent or attorney, to file with the supervisors the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified to by the treasurer.

SEC. 112. If the district against which judgment shall be rendered is situated in part in two or more towns, a certificate thereof shall be delivered as aforesaid to the supervisors of each town in which such district is in part situated.

SEC. 113. The supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof with interest from the date of judgment to the time when the warrant for the collection thereof will expire, upon the taxable of the district, placing the same on the next town assessment roll, in the column for school taxes and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

PENALTIES AND LIABILITIES.

SEC. 114. Every taxable inhabitant, receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every chairman of the first district meeting in any district who shall wilfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

SEC. 115. Every person duly elected to the office of moderator, director or treasurer of a school district, who shall neglect or refuse without sufficient cause to accept such office and serve therein, or who having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

SEC. 116. Every person duly elected town superintendent who shall neglect or refuse without sufficient cause to qualify and serve as such, or who having entered upon the duties of his office shall neglect or refuse to perform any duty required of him by this act, shall forfeit the sum of ten dollars.

SEC. 117. If any superintendent shall neglect or refuse to make and deliver to the town clerk his annual report to the county clerk, as required in this chapter, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon to be recovered by the town treasurer in the name of the town, in an action of debt or on the case.

SEC. 118. If any town clerk shall neglect or refuse to transmit the report mentioned in the preceding section to the county clerk, as required in this chapter, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

SEC. 119. Every clerk of the county board of supervisors who shall neglect or refuse to make the report required in this chapter to be made by him to the superintendent of public instruction, within the time therefor limited, shall be liable to pay to each township the full amount which such town or any school district therein shall lose by such neglect or refusal with interest thereon to be recovered in the manner specified in the last two preceding sections.

SEC. 120. All moneys collected or received by any town treasurer under the provisions of either of the three last preceding sections shall be apportioned and distributed to the school districts entitled thereto in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would according to the provisions of this chapter have been apportioned and distributed.

SEC. 121. The superintendent of each town shall have power, and is hereby required to remove from office upon satisfactory proof after at least five days notice to the party implicated, any town or district officer who shall have illegally used or disposed of any of the public moneys entrusted to his charge.

MISCELLANEOUS PROVISIONS:

SEC. 122. Any person paying taxes in a school district in which he does not reside may send scholars to any district school therein and such person shall for that purpose have and enjoy all the rights and privileges of a resident of said district except the right of voting therein, and shall be included in the census of such district and the apportionment of money, from the school fund scholars so sent and generally attending such schools shall be considered as belonging to such district.

SEC. 123. Whenever any portion of a school district shall be set off and annexed to any other district or organized into a new one after a tax for district purposes, other than the payment of any debt of the district shall have been levied upon the taxable property thereof but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district and the district to which the portion so set off may be annexed, or the new district organized from such portion shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

SEC. 124. For the purpose of apportioning the income of the school fund among the several towns a district situated in part in two or more towns shall be considered as belonging to the town to which the annual report of the director is required to be made but money raised in any one of such towns for the support of scholars therein shall be apportioned to the districts and parts of districts thereon according to the number of children of proper age in each.

SEC. 125. The qualified voters of any town may by vote, at the annual town meeting, raise by tax a sum not exceeding fifty cents for every schollar in the town between the ages of four and twenty years, for the support of common schools in the town, in addition to the taxes hereinbefore required to be raised for that purpose, and such tax shall be levied, collected and returned in the same manner as town taxes are levied collected and returned.

SEC. 126. Whenever the majority of the inhabitants of a school district at any regular meeting, shall express a preference to have other languages taught in connection with the English language, it shall be the privilege of the district board to employ a teacher qualified for that purpose and such district shall have their regular share of the public monies.

SEC. 127. All schools coming under the provisions of this act shall be free and without charge for tuition to all children between the ages of four and twenty years.

SEC. 128. That whenever any school district shall vote a tax under the provisions of this act the question shall be taken by yeas and nays, which shall be duly entered upon the records of the proceedings of said district.

SEC. 129. This act shall take effect immediately succeeding the next annual town meetings in this state and all other acts relating to common schools, inconsistent with the provisions of this act shall expire at that time.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to authorize the construction of Plank and Turnpike Roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SE CTION 1. Any number of persons not less than five may be formed into a corporation for the purpose of constructing and owning a plank road or a turnpike road by complying with the following requirements: notice shall be given in at least one newspaper printed in each county through which said road is intended to be constructed of the time and place or places where books for subscribing to the stock of said road will be opened and when stock to the amount of at least five hundred dollars for every mile of the road so intended to be built shall be in good faith subscribed, and five per cent. paid thereon, as hereinafter required, then the said subscribers may upon due and proper notice elect directors for the said company, and thereupon they shall severally subscribe articles of association in which shall be set forth the name of the company, the number of years that the same is to continue, which shall not exceed thirty years from the date of said articles, whether it is a plank road or a turnpike, which the company is formed to construct the amount of the capital stock of the company, the number of shares of which the said stock shall consist, the number of directors, and their names, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected, the place from and to which the proposed road is to be constructed and each town, city or village through which it is intended to pass, and its length as near as may be, each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in said company, the said articles of association may upon complying with the provisions of the next section be filed in the office of the secretary of state; and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company shall be a body corporate by the name specified in such articles, and shall possess the powers and privileges and be subject to the provisions hereinafter contained.

SEC. 2. Such articles of association shall not be filed in the office of the secretary of state, until five per cent. on the amount of the stock subscribed thereto, shall have been actually and in good faith paid in cash to the directors named in such articles, nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the directors named in such articles, that the amount of capital stock required by the first section has been subscribed, and that five per cent on the amount has actually been paid in.

SEC. 3. A copy of any articles of associations filed in pursuance of this act with a copy of the affidavit aforesaid endorsed thereon, or annexed thereto, and certified to be a copy by the secretary of this state, shall in all courts and places be presumptive evidence of the incorporation of such company, and of the facts therein stated.

SEC. 4. Whenever any such company shall be desirous to construct a plank road through any part of any county, it shall make application to the board of supervisors of such county at any meeting thereof legally held, for authority to lay out and construct such road and take real estate necessary for such purpose and the application shall set forth the route and character of the proposed road as the same shall have been described in the articles of association filed as aforesaid. Public notice of the application shall be given by the company previous to presenting the same to such board by publishing such notice once in each week for six successive weeks in all the public newspapers printed in such county, or in three of such newspapers if more than three are published in such county, which notice shall specify the time when such application will be presented to such board, the character of the proposed road, and each town, city, and village in or through which it is proposed to construct the same.

SEC. 5. If such company shall desire a special meeting of the board of supervisors for hearing the same, and three members of such board may fix the time of such meeting, and a notice thereof shall be served on each of the other supervisors of the county, by delivering the same to him personally or by leaving it at his place of residence at least twenty days before the day appointed for such meeting. The expenses of such special meeting and of notifying the members of such board thereof, shall be paid by such company.

SEC. 6. Upon the hearing of such application all persons residing in such county or owning real estate in any of the towns through which it is

or shall pursuant to the provisions of this act acquire the right to enter upon, take and hold the same.

SEC. 12. If any owner of such land shall from any cause be incapable of selling the same, or if such company cannot agree with him for the purchase thereof, or if after diligent inquiry the name or residence of any such owner cannot be ascertained, the company may present to the judge of probate of the county in which the lands of such owner may lie, a partition setting forth the grounds of the application, a description of the lands in question and the name of the owner if known, and the means that have been taken to ascertain the name and residence of such owner, if his name and residence has not been ascertained, and praying that compensation and damages of the owner of the lands described in the petition may be ascertained by a jury. Such petition shall be verified by the oaths of at least two of the directors of the company, and if it shall allege that the name or residence of any owner is unknown, it shall be accompanied by affidavits proving to the satisfaction of said judge that all reasonable efforts have been made by the company to ascertain the name and residence of any owner whose name or residence is unknown.

SEC. 13. On receiving such petition the said judge shall appoint a time for drawing such jury, which shall be drawn from the grand jury box of the county by the clerk thereof, at his office, at least fourteen days notice of the time and place of such drawing shall be served personally upon each owner of lands described in the petition, who shall be known, and reside in the counties where the lands lie or by leaving the same at his residence, and such notice shall be served on all such owners in the manner aforesaid, or by putting the same into the post office directed to them at their respective places of residence and paying the postage thereon, or by publishing the same in each week for two successive weeks in a newspaper printed in such county, the first of which publications shall be at least fourteen days before such drawing.

SEC. 14. In case any lands described in such petition shall be owned by a married woman, infant, idiot or insane person or by a non-resident of the state the said judge shall appoint some competent and suitable person having no interest adverse to such owner to take care of the interests of such owner, in respect to the proceedings to ascertain such compensation and damages. And all such notices as are required to be served on any owner residing in such county, shall be served upon the person so appoint-

through which it is proposed to construct such road, shall exceed that number. And the commissioners so appointed shall lay out the whole of such road, and shall make out a separate survey of so much thereof as lies in each county which shall be subscribed and acknowledged as aforesaid and recorded in the office of the register of such county. Such company shall pay each of the said commissioners two dollars for every day spent by him in the performance of his duties as such commissioner, and his necessary expenses.

SEC. 9. No such road shall be laid out through any orchard to the injury of fruit trees, or through any garden without the consent of the owner thereof, if such orchard be of the growth of four years or if such garden has been cultivated for four years or more before the laying out of such road nor shall such road run through any buildings or any yard or enclosure or yards necessary for the use and enjoyment of such building without the consent of the owner, nor shall any such company bridge any stream where the same is navigable for vessels or steamboats, or in any manner that will prevent or endanger the passage of any raft of twenty-five feet in width.

SEC. 10. No plank road shall be made on the roadway of any chartered turnpike company without the consent of such company, and any plank road company formed under this act shall have power to contract with any turnpike company for the purchase of the roadway or part of the roadway of such turnpike company on such terms as may be mutually agreed on; whenever a plank road shall be made as provided in this act on or adjoining the route of any turnpike road, the company owning such turnpike road is authorized to abandon that portion of their road on or adjoining the route of which a plank road is actually constructed and used; but nothing herein contained shall be so construed as to permit any plank road from crossing any turnpike road, nor any turnpike road from crossing any plank road.

SEC. 11. The route so laid out and surveyed by the said commissioners shall be the route of such road, and such company may enter upon and hold, subject to the provisions of this act, all such lands as the said survey shall describe as being necessary for the construction of such road, and the necessary buildings and gates. But before entering upon any of such lands the company shall purchase the same of the owner thereof.

penalties, as in case of such neglect or refusal of a person duly summoned as a juror in a court of record, and may be excused by the said judge from attending or serving, for reasons for which such juror might be so excused if summoned as a juror in the circuit court. Every juror attending shall be entitled therefor to one dollar a day, and his reasonable and necessary expenses to be paid by the company.

SEC. 19. On the application of any party interested, any judge or justice of the peace, may issue a subpoena requiring witnesses to attend before such jury, and such subpoena shall have the same force and effect; and witnesses duly subpoenaed by virtue thereof, and refusing or neglecting to obey the same, shall be subject to the same penalties and liabilities as though such subpoena were issued from a court of record, in a suit pending therein.

SEC. 20. The time and place of meeting of the jury, to ascertain such compensation and damages, may be fixed by the said judge, by an order to be made by him at any time after receiving such petition, and notice thereof shall be served on the owners whose lands are described in the petition, as follows: On an owner residing in the county, or within fifteen miles of the lands in question owned by him, personally, or by leaving the same at his residence, at least fourteen days before the time so fixed: On any other owner residing within this state, and whose residence is known, in the manner aforesaid, or by putting the notice into the post office directed and paid as aforesaid at least forty days before the time so fixed: and on owners whose residence is unknown, by publishing the notice once in each week for six successive weeks in one of the public newspapers printed in the county, if there be any, if not then in a paper published at the capitol of the state.

SEC. 21. The jurors so summoned, shall meet at the time and place fixed by the said judge for that purpose, and shall be sworn by him to diligently inquire and ascertain the compensation and damages which ought justly to be paid for the land described in the petition, or for those of them in respect to which they shall be called upon to inquire, to the owners thereof, and for taking the same for such road, and faithfully to perform their duty according to law.

SEC. 22. The said judge shall attend such jurors, shall administer oaths to witnesses called before them, shall take minutes of the testimony given, and admissions of the parties made before them, shall advise such ju-

by as to the law applicable to any case that may arise, shall receive certify and return to the clerk's office of the circuit court for said county the verdicts agreed upon by them, and while so attending, shall have all the powers possessed by a court of record when trying issues of fact joined in civil cases.

SEC. 23. The jury after hearing the parties, and viewing the lands in question, in each case, shall by a verdict, ascertain and determine the compensation and damages that ought to be paid to the owner for the land to be taken by the company, and for taking the same for such road, and also the amount that ought to be paid to him for the time spent, and necessary expenses incurred by him in respect to the proceedings, to ascertain and determine such compensation and damages; of which time and expenses a bill of items shall be presented to the jury, verified by the oath of the owner or his agent and such compensation and damages shall be ascertained and delivered without any deduction on account of any supposed benefit which the owners of such lands may derive from the construction of such road.

SEC. 24. Such jury shall not proceed to a hearing in any case until the company shall have produced to the said judge, satisfactory proof by affidavit that the notice of the meeting of the jury has been given in such case according to the provisions of this act; and such affidavit shall be attached to and filed with the certificate of the verdict in the case: And on any such hearing, no evidence or information shall be given, nor any statement made to the jury, of any proposition by, or negotiation between the parties or their agents in respect to any such lands, or such compensation or damages, nor shall any such petition contain any such statement or information.

SEC. 25. Such jury finding any such verdict, shall after agreeing upon the same, make a certificate thereof, and sign and deliver the same to the said judge; and shall embrace therein a particular description of the land in respect to which it is found. Such certificate may include one or more verdicts, in the discretion of the jury. Every such certificate shall be certified by the judge, to have been made by such jury; and shall be recorded in the records of deeds in the register's office of the county where the lands therein described shall lie, at the expense of the company.

SEC. 26. Whenever it shall become necessary for any such company to use any part of a public highway for the construction of plank or turn-

pike road, the supervisors and commissioners of highways of the town in which such highways is situated. or a majority, if there be more than one such commissioner in such town, may agree with such company upon the compensation and damages to be paid by said company, for taking and using such highway for the purposes aforesaid. Such agreement shall be in writing and shall be filed and recorded in the town clerk's office of such town. In case such agreement cannot be made the compensation and damages for taking such highway for such purposes, shall be ascertained in the same manner, as the compensation and damages for taking the property of individuals. Such compensation and damages shall be paid to the said commissioners, to be expended by them in improving the highways of such town.

SEC. 27. Any party interested in any such verdict may within twenty days after be notified of the rendition thereof, apply to the circuit court for a new trial, and it may be granted upon such terms as to the costs of the application, and of the first trial, as that court shall deem reasonable. If a new trial shall be granted, a jury shall be drawn therefor, and the same proceedings shall be had as are hereinbefore provided.

SEC. 28 Within forty days after the rendition of any such verdict, if a new trial shall not be applied for, the company shall pay to the person entitled to receive the same, the amount thereof, or shall make a legal tender thereof to him, if he shall refuse to receive the same; and the company may thereupon enter upon the lands in respect to which such verdict was rendered, and take and hold the same to it and its assigns so long as it shall be used for the purposes of such road as such company was formed to construct.

SEC. 29. If any person entitled to receive the amount of any such verdict be not a resident of this state or cannot be found therein after diligent search, the company may furnish to the said judge satisfactory proof by affidavit, of such fact, and he shall thereupon make an order, that the amount of such verdict be paid to the treasurer of the county in which the land lies in respect to which such verdict was rendered for the use of such owner, and that notice of such payment shall be given by publishing the same once in each week, for six successive weeks in a newspaper published in the county, if there be any, if there be none, then in a paper at the capitol of the state, on satisfactory proof being made to the said judge by affidavit within three months from the time of making the last mentioned

order, of such payment and publication, he shall make an order authorizing the company to take and hold the land in respect to which such verdict was rendered, in the same manner and with the same effect as if such payment had been made to the owner personally. The affidavit and orders mentioned in this section, and all other affidavits and orders made and precepts issued in the course of the proceedings under this act in relation to the acquisition of land to be used for such road shall be filed in the register's office of the proper county, and all such orders shall be recorded by such register in the records of deeds, at the expense of the company.

SEC. 30. If any owner shall apply for a new trial, the company upon depositing the amount of the verdict sought to be set aside, in such manner as the said judge shall, upon hearing the parties, direct, in trust that the same or so much thereof as the said owner shall be entitled to receive, shall be paid to him on demand, and on giving such security, by bond, as the judge shall approve, for the payment to such owner of any sum which he may be entitled to receive from the company, in respect to the land in question, by reason of any verdict or the judgment of any court, for such compensation, damages, costs and expenses, the company may enter upon and use such land for the purposes of such road, but the title of the owner thereof shall not be divested until the payment or legal tender to him of the whole amount which he shall be entitled to receive from the company for such compensation, damages, costs and expenses; and on such payment or tender being made, the company shall be entitled to take and to hold such lands to it and to its assigns so long as the same shall be used for the purposes of such a road as such company was formed to construct.

SEC. 31. Every plank road made by virtue of this act, shall be laid out at least four rods wide, and shall be so constructed as to make secure and maintain a smooth and permanent road the track of which shall be made of timber, plank or other hard material, so that the same shall form a hard and even surface, and be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and also so as to permit all carriages to pass on and off where such road is intersected by other roads.

SEC. 21. Every turnpike road that shall be constructed by virtue of this act shall be laid at least four rods wide, and shall be bedded with stone, gravel or such other material as may be found on the line thereof

and faced with broken stone or gravel, so as to form a hard and even surface with good and sufficient ditches on each side whenever the same is practicable. The arch or bed of such road shall be at least eighteen feet wide, and shall be so constructed as to permit carriages and other vehicles conveniently to pass each other, and to pass on and off such turnpike where it may be intersected by other roads.

SEC. 33. In each county of this state in which there shall be any plank road, or turnpike road, constructed by virtue of this act, there shall be three inspectors of such roads, who shall not be interested in any plank or turnpike road in such county. They shall be appointed by the board of supervisors of the county, and shall hold their offices during the pleasure of such board. Before entering on their duties, such inspectors shall take and subscribe the constitutional oath of office and file the same in the office of the clerk of the circuit court of the county.

SEC. 34. Whenever any such company shall have completed their road, or any five consecutive miles thereof, it may apply to any two of the inspectors to be appointed pursuant to this act, in the county where said road, or a part thereof, so completed and to be inspected is located, to inspect the same, or if such inspectors, or a majority of them, are satisfied on inspection that the road so inspected is made and completed according to the true intent and meaning of this act. They shall grant a certificate to that effect, which shall be filed in the office of the clerk of the circuit court of the county. The inspectors shall be allowed two dollars per day for their services pursuant to this section, to be paid by the company whose road they inspect.

SEC. 35. Upon filing as aforesaid such certificate, the company owning any plank road so inspected may erect one or more toll gates upon their road, but not within three miles of each other, and may demand and receive toll, not exceeding one and a half cents per mile, for any vehicle drawn by two animals, and for any vehicle drawn by more than two animals one half cent per mile for every additional animal, for every vehicle drawn by one animal three quarters of a cent per mile; for every score of sheep or swine, and for every score of neat cattle one cent per mile; for every horse and rider, or led horse half a cent per mile. In no case shall any plank road company charge or receive rates of toll which will enable said company to divide more, nor shall any company divide more than twelve per cent. per annum on their capital stock actually paid in, and

invested in their road after keeping the road in repair, and appropriating not exceeding ten per cent. per annum on their capital stock invested as aforesaid, as a fund for the reconstruction of their road when necessary.

SEC. 36. Upon filing such certificate as aforesaid, the company owning any turnpike road so inspected, may erect one or more toll gates upon its road, but not within three miles of each other, and may demand and receive toll not exceeding the following rates: for every vehicle drawn by one animal three quarters of a cent a mile, for every vehicle drawn by two animals one and one quarter cents a mile; and for every vehicle drawn by more than two animals, one and one quarter cents a mile, and one quarter cent additional a mile for every animal more than two; for every score of neat cattle, one cent a mile; for every score of sheep or swine, one half cent a mile; and in the same proportion for any greater or less number of neat cattle, sheep or swine; for every horse and rider or led horse one half cent a mile; and in no case shall any such turnpike company charge or receive rates of toll which will enable it to divide more than twelve per cent. on its capital stock actually paid in cash, and invested in its road, after paying the expenses of managing the same, and keeping it in repair.

SEC. 37. The commissioners of highways of any town in which a toll gate may be located or any such roads, or in an adjoining town, whenever they or a majority of them shall be of the opinion that the location of such gate is unjust to the public interest, by reason of the proximity of diverging roads or for other reasons, may, on at least fifteen days written notice to the president or secretary of said company, apply to the court of probate of the county in which such gate is located, for an order to alter or change the location of the said gate; the court on such application and on hearing the respective parties, and on viewing the premises, if the said court shall deem such view necessary, shall make such order in the matter as to the said court may seem just and proper; and either party may, within fifteen days thereafter appeal from such order to the circuit court, on giving such security as said probate judge shall require; such order, unless appealed from shall be observed by the respective parties, and may be enforced by attachment or otherwise, as the said court shall direct; and if appealed from the decision of the circuit court shall be final in the matter. The said probate and circuit courts may direct the payment of costs in the premises, as shall be deemed just and equitable.

SEC. 38. The business and property of such company shall be managed and conducted by a board of directors consisting of not less than five nor more than nine, who after the first year shall be elected at such time and place as shall be directed by the by-laws of such corporation, and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto in one or more newspapers printed in each county in or through which the road of such company is located. The election shall be made by such of the stockholders as shall attend for that purpose either in person or by proxy. All elections shall be by ballot and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors such vacancy shall be filled for the remainder of the year by the remaining directors; the directors shall hold their office for one year and until others are elected in their places no person shall be a director unless he is a stockholder in the company, and no stockholder shall be permitted to vote at any election for directors on any stock except such as he has owned for the thirty days next previous to the election.

SEC. 39. The directors of any company incorporated under this act may require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions as they shall see fit, under the penalty of the forfeiture of their stock, and all previous payments thereon; and they shall give notice of the payments thus required, and of the place and time, when and where to be made at least thirty days previous to the payment of the same in some newspaper printed in each county in or through which their road is located, if there be one, if not then in a paper printed at the capitol of the state, or by sending such notice to such stockholder by mail, directed to him, at his usual place of residence.

SEC. 40. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company. The directors of every such company may at any time, with the consent of a majority, in amount of the stockholders in such company provide for such increase of the capital stock as may be necessary to finish the making of a road actually commenced and partly constructed, but the whole capital stock of any company shall not exceed five thousand dollars per mile for each mile of road.

SEC. 41. It shall be the duty of the directors of every company form-

ed under this act to report annually to the secretary of state, under oath of any two of such directors, the cost of their road, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much actually expended, the whole amount of tolls or earnings expended on such road, the amount received during the year for tolls, and from all sources, stating each separately, the amount of dividends made, and the amount set apart for a reparation fund, and the amount of indebtedness of such company, specifying the object for which the indebtedness accrued.

SEC. 42. Within two weeks after the formation of any company by virtue of this act, the directors thereof shall designate some place within a county in which according to the articles of association of such company, its road or some part thereof is to be constructed, as the office of such company, and shall give public notice thereof by publishing the same in a public newspaper published in such county, if any there be, if not then in a paper at the capital of the state, which publication shall be continued once in each week, for three successive weeks and shall file a copy of such notice in the office of the clerk of the circuit court of every county in which any part of such road is constructed or is to be constructed. And if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid before it shall take place, in which notice the time of making the change shall be specified. And every notice, summons, declaration or other paper required by law to be served on such company may be served by leaving a copy of the same at such office with any person having charge thereof, at any time between nine o'clock in the forenoon and noon, and between two and five o'clock in the afternoon of any day except Sunday.

SEC. 43. It shall be the duty of the directors of any such company to cause a book to be kept by the secretary treasurer or clerk thereof containing the names of all persons alphabetically arranged, who are or shall within six years, have been stockholders of such company, and showing their places of residence, the number of shares of the stock held by them respectively, and the time when they respectively became the holders of such shares; which book shall from nine o'clock in the forenoon until noon, and from two o'clock in the afternoon until five, on every day except Sunday, and the fourth day of July be open for the inspection of all persons who may desire to examine the same, at the office of such company and any

and every person shall have the right to make extracts from such book, and no transfer of stock shall be valid for any purpose whatever except to render the person to whom it shall be transferred liable for the debts of the company according to the provisions of this act, until it shall have been entered therein as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders jointly. Every officer or agent of any such company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all the damage resulting therefrom. And every company that shall neglect to keep such a book open for the inspection as aforesaid shall forfeit to the people the sum of fifty dollars for every day it shall so neglect to be sued for and recovered in the name of the people by the district attorney of any county in or through which the road of such company shall be constructed or shall be according to its articles of association intended to be constructed, and when so recovered, the amount shall be paid in equal portions to every such county for the use thereof.

Sec. 44. The stockholders of every company incorporated under this act shall be liable in their individual capacity for the payment of the debts of such company, for an amount equal to the amount of the stock they severally have subscribed or held in said company over and above such stock to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder and any stockholder who may have paid any demand against such company either voluntarily or by compulsion shall have a right to resort to the rest of the stockholders who were liable to contribution, and the dissolution of any company shall not release or effect the liability of any stockholder which may have been incurred before such dissolution.

Sec. 45. The debts and liabilities of any company formed under this act shall not exceed in amount at any one time fifty per cent. of the amount of its capital actually paid in, and if such debts and liabilities shall at any time exceed such amount, the stockholders who were such at the time any excess of debts or liabilities shall be created or incurred shall be jointly

and severally and individually liable for such excess in addition to their other individual liability as provided in this act.

SEC. 46. In any action against any company formed under the provisions of this act, the plaintiff may include as defendants any one or more of the stockholders of such company who shall by virtue of the provisions of this act be claimed to be liable to contribute to the payment of the plaintiff's claim; and if judgment be given against such company in favor of the plaintiff for his claim or any part thereof, and any one or more of the stockholders so made defendants shall be found to be liable as aforesaid, judgment shall also be given against him or them, and shall show the extent of his or their liabilities individually. The execution upon such judgment shall direct the collection of the sum for which it may be issued of the property of such company liable to be levied upon by virtue thereof, and in case such property sufficient to satisfy the same cannot be found in the county of the officer to whom the same shall be directed, that the deficiency or so much thereof as the stockholders who shall be defendants in such judgment shall be liable to pay, shall be collected of the property of such stockholders respectively. And if in any action any one or more of such stockholders shall be found not to be liable for the demand of the plaintiff or any part thereof judgment shall be given for the stockholder so found not to be liable, but no verdict or judgment in favor of any such stockholder shall prevent the plaintiff in such action from proceeding therein against the company alone or against it and such defendants who are stockholders as shall be liable for such demand or some portion thereof. Suits may be brought against one or more stockholders who are claimed to be liable for any debt owing by the company or any part of such debt without joining the company in such suit, but no such suit shall be so brought until judgment on the demand shall have been obtained against the company and execution thereon returned unsatisfied in whole or in part or the company shall have been dissolved, but it shall not be necessary that such dissolution shall have been declared by any judicial decree, sentence or determination, and in such suit there may be a verdict and judgment in favor of any defendant not liable as aforesaid but such verdict and judgment shall not prevent the plaintiff in such suit from proceeding therein against any defendant who shall be liable aforesaid.

SEC. 47. So much of any such road and of the toll houses gates and other appurtenances thereof constructed by virtue of this act, as shall be

within any town, city or village, shall be liable to taxation in such town, city or village as real estate.

SEC. 48. Every company incorporated under this act, shall cease to be a body corporate: First if within two years from the filing of their articles of association they shall not have commenced the construction of their road, and actually expended thereon at least ten per cent. of the capital stock of such company, and second, if within five years from such filing of the articles of association such road shall not be completed according to the provisions of this act.

SEC. 49. All companies formed under this act shall at all times be subject to visitation and examination by the legislature or by a committee appointed by either house thereof or by any agent or officer in pursuance of law, and the courts of this state shall have the same jurisdiction over such corporations and their officers as over those created by special acts.

SEC. 50. The legislature may at any time alter amend or repeal this act, or annul or repeal any corporation formed or created under this act.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to pay Samuel S. Kaeller the several sums therein named.

he people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be appropriated and paid out of any money in the state treasury to Samuel S. Kailler jailor of the county of Iowa, viz:

The sum of forty-four dollars and fifty cents for safe keeping and maintaining John Thompson a convict sentenced to confinement to the state prison by the district court of Grant county from the first day of April last to the first day of July instant and for furnishing necessary clothing bedding, &c. for said convict; and the sum of thirty-one dollars and fifty cents for safe keeping and maintaining Patrick Walsh a convict sentenced to confinement in the states prison by the district court of La Fayette county from April twenty-ninth one thousand eight hundred and forty-eight to first of July instant and for furnishing necessary clothing bedding &c. for said convict.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 18, 1848.

NELSON DEWEY.

AN ACT to provide for the payment of the Salary of State Officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby annually appropriated to be paid out of the state treasury for the objects hereinafter named, to wit:

For the salary of Governor, the sum of twelve hundred and fifty dollars;

For the salary of Secretary of State the sum of twelve hundred dollars:

For the salary of State Treasurer the sum of eight hundred dollars:

For the salary of Attorney General the sum of eight hundred dollars:

For the salary of State Superintendent of Public Instruction after the first day of January next the sum of one thousand dollars:

For the salary of Judges of the Circuit Courts the sum of fifteen hundred dollars each.

For the salary of Superintendent of Territorial Property the sum of three hundred dollars.

SEC. 2. The salary of the above named officers except the Secretary of State shall be drawn out of the state treasury on the warrant of the secretary of state, quarter yearly upon the last day of March June September and December of each year.

SEC. 3. The salary of Secretary of State shall be paid out of the state treasury at the times above stated on the certificate of the Governor.

SEC. 4. The quarters salary payable on the last day of September next shall include the amount due to such officer up to that time computing the salary of each from the day of his qualification and commencement to discharge the duties of his respective office.

N. L. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to the County of Iowa a sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to the county of Iowa the sum of eighty-five dollars and seventy-five cents in full for an auditors warrant of the territory of Wisconsin numbered six hundred and forty-eight, payable to Timothy Burns for the sum of eighty dollars and seventy-five cents, and five dollars for territorial scrip numbered three hundred and seventy-three, and in full of all accounts against the state up to this date

Provided, that before any warrant shall issue for this appropriation the secretary of state shall cancel the said auditors warrant and territorial script and file the same in his office.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to pay to Beriah Brown the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the state is hereby authorized and required to pay to Beriah Brown the sum of one hundred and fifty-three dollars and thirty-seven cents in full for his account for publishing the constitution of this state for printing the journals of the assembly for June 7th and 8th one thousand eight hundred and forty-eight and for publishing the laws enacted at the present session of the legislature to the 19th day of August instant.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to pay to the late Treasurer the sum therein named.
 The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows:

SECTION 1. The sum of one hundred dollars is hereby appropriated to be paid out of the state treasury to Simeon Mills in full for his services as territorial treasurer and acting state treasurer from the fifth day of June to the twenty-first day of July one thousand eight hundred and forty-eight.

N. E. WHITESIDE,
 Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate the sums therein named.

The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows:

SECTION 1. The sum of twenty-six dollars and forty-four cents is hereby appropriated to Dean & Co. for articles furnished for the use of the capitol.

SEC. 2. The sum of one dollar and fifty cents is hereby appropriated to N. S. Emmons for one bucket for the well in the capitol grounds.

N. E. WHITESIDE,
 Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to pay Rhenodyne A. Bird the sum therein named.
 The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows :

SECTION 1. The treasurer of this state is hereby authorized and required to pay Rhenodyne A. Bird the sum of nine hundred and ninety-four dollars and forty-seven cents, in full for his account for doing the incidental printing for the legislature from the twenty-eight day of June to the 19th day of August A. D. 1848, inclusive.

N. E. WHITESIDE,
 Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to pay to Beriah Brown the sum therein named.
 The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows :

SECTION 1. That there is hereby appropriated to be paid out of any money in the treasury to Beriah Brown for incidental printing for the department of state the sum of ninety-nine dollars and fifty cents.

N. E. WHITESIDE,
 Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to pay to J. Gillet Knapp the sum therein named.
**The people of the state of Wisconsin, represented in Senate and
 Assembly, do enact as follows :**

SECTION 1. There shall be paid to J. Gillet Knapp the sum of thirty-two dollars and twenty cents out of any moneys in the treasury being the amount due said Knapp for travelling fees and expenses incurred by him under the act of the legislature of the territory of Wisconsin entitled "an act to adjust the matters in controversy between the territory and the building commissioners" approved March 13th 1848 in ascertaining the amount of costs mentioned in said act.

N. E. WHITESIDE,
 Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21. 1848.

NELSON DEWEY.

AN ACT to pay to the several persons the several sums therein mentioned.

**The people of the State of Wisconsin represented in Senate and
 Assembly, do enact as follows :**

SECTION 1. There shall be appropriated to be paid out of the state treasury upon warrants to be drawn by the Secretary of State to the following persons the following sums of money for the purposes herein named to wit:

To each member of the present legislature the sum of one hundred and fifty-five dollars being the balance due each member for their per diem during the present session.

To John E. Holmes lieutenant governor the sum of three hundred and ninety dollars being the amount due for his per diem during the present session.

To Henry G. Abbey chief clerk of the senate the sum of two hundred and sixty-two dollars and sixty cents, being the balance due him for his services: and fifty dollars for preparing and superintending the printing of the journal of the senate and making an index to the same.

To R. L. Ream for balance due for writing for the legislature at its present session the sum of one hundred and forty-five dollars.

To Henry Lines for balance due for writing for the legislature at its present session the sum of one hundred and forty-five dollars.

To E. P. Lockhart for balance due for writing for the legislature at its present session the sum of one hundred and forty-five dollars.

To Lyman H. Beaver sergeant-at-arms of the senate the sum of one hundred and forty-nine dollars being the balance due him for services rendered as such and for furnishing a messenger.

To Henry Mallo for balance due him in full for services rendered in the senate the sum of forty dollars.

To R. L. Ream in full for services rendered in the senate twenty-four dollars. Provided that no office shall be created hereby:

To Daniel Noble Johnson chief clerk of the assembly the sum of two hundred and fifty-five dollars and sixty cents being the balance due him for services as such chief clerk: and the further sum of fifty dollars for writing up the journal of the assembly, superintending the printing and indexing the same: Provided that no certificate shall be issued by the secretary of state for this sum until the said secretary is fully satisfied that the said work is fully completed.

To John Mullanphy sergeant at-arms of the assembly the sum of one hundred and for-one dollars being the balance due him for services.

To Ira W. Bird for eight days writing for the present session of the legislature twenty dollars.

To John Peuman the sum of fifty dollars as chaplain.

To Charles Lord the sum of fifty dollars for like services.

To H. G. Abbey for stationary furnished for the use of the senate three dollars.

To N. E. Whiteside the sum of one hundred and ninety-five dollars for services as speaker of the assembly.

To James Murdock the sum of one hundred and forty-eight dollars and twenty cents balance due him for writing for the assembly.

To T. A. B. Boyd the sum of one hundred and forty-five dollars balance due him for services as assistant clerk of the assembly.

To Aaron V. Fryer the sum of two hundred and sixty-five dollars and twenty cents balance due him for services as enrolling clerk for the senate and assembly.

To L. F. Kellogg the sum of ten dollars for services as chief clerk pro tem. of the assembly.

To Samuel Parkhurst the sum of forty-two dollars for services as door keeper of the assembly.

To Henry Starks the sum of fifty-three dollars for services as messenger of the assembly.

To H. G. Abbey for cash paid for clerk hire twenty-five dollars.

To H. W. Reed fifty dollars for services as chaplain of the senate.

To Robert L. Ream for making map for committee on contested seat of W. R. Marshall the sum of five dollars.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1846,

NELSON DEWEY.

AN ACT to appropriate to David Holt the sums therein ramed.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of eight hundred and seventy-six dollars and fifty one cents is hereby appropriated to David Holt post master at Madison being in full for his account of postage for the present legislature; Provided that the treasurer shall pay the sum hereby appropriated for postage out of the first money that may come into the state treasury in preference to any other claim demand or appropriation.

SEC. 2. The sum of eleven dollars and ninety-eight cents is hereby appropriated to David Holt being in full for his account of stationary furnished the legislature and state officers.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to incorporate the Madison Medical College.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. George W. Richards, Moses L. Knapp, Chandler B Chapman, John Y. Smith, Richard S. Molony and Nathaniel W. Dean their associates and successors are hereby constituted a body corporate and poli-

tic for the purpose of giving instruction in the sciences of medicine surgery and chemistry and all the various sciences connected with the healing art, to be distinguished and known by the name of the "Madison Medical College," to be located in or near the village of Madison (with power to create a branch of the same) and by that name the said George W. Richards, Moses L. Knapp, Chandler B. Chapman, John Y. Smith, Richard S. Molony and Nathaniel W. Dean their associates and successors are hereby invested with all the powers of making or altering their own by-laws and regulations: Provided, they do not conflict with the constitution and laws of the United States or of the state of Wisconsin: of taking and holding by gift purchase or demise any real or personal estate and of selling the same; and of appointing and removing instructors, or of suing and being sued, and of doing all the acts that the good of the said corporation may require for the purpose for which the same is created. The said corporation may have a common seal and alter the same at pleasure.

SEC. 2. A quorum of said corporation to do any business shall consist of two-thirds of the whole number of members of said corporation.

SEC. 3. The president with the consent of the professors of the said college shall have power to give and confer those honors and degrees which are usually given in such institutions to such persons as they may think worthy thereof.

SEC. 4. The property of said college real and personal shall at no time exceed the hundred thousand dollars.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 2, 1848.

NELSON DEWEY.

AN ACT to appropriate to J. U. Downings a sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to J. U. Downings the sum of one hundred and forty-four dollars in full for work done on the capitol and all other accounts against the state up to this time.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to pay to Roswell G. Spaulding the sum therein named.

The People of the State of New York, (Wisconsin,) represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to Roswell G. Spaulding in full of account for work done on the capitol the sum of sixty dollars.

N. E. WHITESIDE,
Speaker of the Assembly.

J. E. HOLMES,
Lieut. Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to D. M. Holt a sum therein named.
The people of the State of Wisconsin, represented in Senate and
Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to D. M. Holt the sum of
one hundred and seventeen dollars for seventy-eight days services as as-
sistant librarian during the present session of the legislature.

N. E. WHITE-SIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.
NELSON DEWEY.

AN ACT to appropriate to Joseph G. Knapp the sum therein
named.

The people of the state of Wisconsin represented in Senate and
Assembly, do enact as follows :

SECTION 1. The sum of one thousand two hundred and sixty-nine dol-
lars and forty cents is hereby appropriated to Joseph G. Knapp being the
balance due him for stationary and lights for the present legislature, and
the expenses of purchasing the same ; also for keeping the capitol in order
during the present session for sundry articles furnished the legislature, for
postage lumber locks and all other charges for fitting up the capitol and
keeping the same in repair, and for his salary as superintendent of territo-
rial property, and for all other charges or claims against the state.

Sec. 2. The said Joseph G. Knapp is hereby prohibited from employ-
ing any person or persons or incurring any charge against this state unless
the same is authorized by some law hereafter to be passed.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 21, 1848,

NELSON DEWEY.

AN ACT to appropriate to Thomas McGlynn the sum therein
named.

The people of the State of Wisconsin, represented in Senate and
Assembly, do enact as follows :

SECTION 1. The sum of eighty-seven dollars is hereby appropriated
to Thomas McGlynn which sum is in full for taking up and sinking the
well in the capitol square.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to pay Levi Booth the sum therein named.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That there be and hereby is appropriated to Levi Booth in full for labor done in and about the capitol from the tenth day of February to the fifth day of June A. D. 1848 the sum of ninety-nine dollars.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to D. Clark a sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to be paid out of any money in the treasury to D. Clark the sum of four dollars and seventy-five cents in full for lumber, one table and some glass furnished as per bill rendered and for all accounts against the state up to this time.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to Ely Sperry the sum therein named.
The people of the State of Wisconsin represented in Senate and
 Assembly, do enact as follows :

SECTION 1. The sum of sixty-two dollars and fifty cents is hereby
 appropriated to be paid out of the state treasury to Eli Sperry in full for
 fifty cushions furnished the legislature.

N. E. WHITESIDE,
 Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to John T. Wilson the sum therein
 named.

The people of the State of Wisconsin, represented in Senate and
 Assembly, do enact as follows :

SECTION 1. The sum of eight dollars and sixteen cents is hereby ap-
 propriated to John T. Wilson for blacksmith work done in the capitol
 under the direction of the superintendent of territorial property which sum
 is in full for all services of that nature up to the close of the present ses-
 sion.

N. E. WHITESIDE,
 Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to Larkin Meadows a sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to Larkin Meadows the sum of twenty-eight dollars in full for work done on library room and all other accounts against the state up to this time.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to J. W. Ostrander the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That there be and hereby is appropriated to J. W. Ostrander the sum of ten dollars in full for territorial scrip numbered four hundred and seventy-three dated February 19th 1842 to be drawn upon the surrender of said scrip.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT appropriating to Wallace Mygatt a sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of thirty-four dollars is hereby appropriated to Wallace Mygatt to be paid out of the state treasury in full compensation for papers furnished the late constitutional convention : for publishing the constitution of the state of Wisconsin and for publishing the proclamation of the governor convening the legislature.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to Leech and Springer a sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated to Leech and Springer the sum of eight dollars for furnishing papers to the last territorial legislature (being the same amount erroneously allowed to Lake and Sprague by an

act of appropriation approved March 13th 1848 and not drawn) in full of all accounts against the state.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to S. L. Rood a sum therein named. The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to S. L. Rood the sum of thirty-five dollars and fifty cents for furnishing books of Record for the office of the secretary of state and in full of all accounts against the state of Wisconsin up to this date.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT to appropriate to William R. Smith a sum therein named.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of thirty-seven dollars and fifty cents is hereby appropriated to William R. Smith to be paid out of the state treasury in full for one quarters salary as adjutant general of the militia of the state of Wisconsin due August third one thousand eight hundred and forty-eight at the rate of one hundred and fifty dollars per annum.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT appropriating to the Governor a sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the governor the sum of twenty dollars to defray the expenses of transporting the quota of arms and military equipments belonging to the state of Wisconsin from Galena to Madison.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate

Approved, June 6, 1848.

NELSON DEWEY,

AN ACT to appropriate to Richard Hardell a sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of twenty dollars is hereby appropriated to Richard Hardell in full compensation for attending as a witness in the suits of the Territory of Wisconsin against James D. Doty et. al. and against James Morrison et al.

N. E. WHITESIDE,
Speaker of the Assembly.

J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

JOINT RESOLUTIONS.

JOINT RESOLUTION relative to free territory.

Resolved, by the Senate and Assembly of the State of Wisconsin,

That the existence of slavery in this country is to be deeply deplored: that its extension ought to be prohibited by every constitutional barrier within the power of congress: that in the admission of new territory into the Union, there ought to be an inhibitory provision against its introduction.

Resolved, That our senators in congress be and they are hereby instructed and our representatives are requested to use their influence to insert into the organic act for the government of any new territory already acquired or hereafter to be acquired, that is now free, an ordinance forever prohibiting the introduction of slavery or involuntary servitude into said territory except as a punishment for crime of which the party shall have been duly convicted according to law.

Resolved, That his excellency the governor is hereby requested immediately to forward a copy of the foregoing resolutions to each of our senators and representatives in congress to be by them laid before congress.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved June 21, 1848.

NELSON DEWEY.

JOINT RESOLUTION relative to the military reserve at Fort Winnebago.

Resolved, by the Senate and Assembly of the State of Wisconsin :

That our senators and representatives in congress be requested to use their influence in getting a law passed at as early a day as practicable granting to the state of Wisconsin the military reserve at Fort Winnebago to be used for the purposes of a penitentiary or for any other public purposes.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, August 21, 1848,

NELSON DEWEY.

JOINT RESOLUTION relative to postage.

Resolved, by the Senate and Assembly of the State of Wisconsin :

That the treasurer of the state of Wisconsin be instructed to reserve in his hands the sum of four hundred and thirty dollars to pay the postage of the governor, lieutenant governor, members of the senate and assembly during the present session until the same shall be appropriated conformably to law.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, June 26, 1848,

NELSON DEWEY.

JOINT RESOLUTION relative to the Great Seal of the State of Wisconsin.

Resolved, by the Senate and Assembly of the State of Wisconsin:

That the great seal of the Territory of Wisconsin be and the same hereby is adopted and declared to be the great seal of the state of Wisconsin until another shall be prepared and adopted in its stead.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved June 21, 1848.

NELSON DEWEY.

JOINT RESOLUTION directing the Superintendent of Public Property to distribute copies of the Journal of the Convention.

Resolved, by the Senate and Assembly of the State of Wisconsin:

That the superintendent of public property be directed to distribute to each of the state officers one copy of the journal of the last constitutional convention: also to each member of the senate and assembly one copy.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate

Approved, June 21, 1848.

NELSON DEWEY,

JOINT RESOLUTIONS asking Congress to modify a grant of land to the State of Wisconsin.

Resolved, by the Senate and Assembly of the State of Wisconsin:

That the congress of the United States be and it is hereby requested to so alter and modify, the fourth clause of the seventh section of an act of congress entitled "an act to enable the people of Wisconsin territory to form a constitution and state government and for the admission of such state into the Union" approved August 6th 1846; so as to change the grant therein contained of "all salt springs within said state not exceeding twelve in number" with the land granted adjacent to such springs, in such a manner as will authorize the state to select in legal divisions and subdivisions from any land within this state belonging to the United States, the same quantity of land mentioned in said grant, and for such uses as congress may direct.

Resolved, That the senators and representatives in congress from this state be and they are hereby requested to urge the passage of a law by congress in accordance with the foregoing resolution: And that the governor of this state be requested to forward to each of our senators and representatives in congress a copy of these resolutions.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, June 24, 1848,

NELSON DEWEY.

JOINT RESOLUTION relative to the improvement of the harbors upon the western shores of Lake Michigan.

Resolved, by the Senate and Assembly of the State of Wisconsin :

That our senators and representatives in congress be requested to urge upon congress the necessity of making an appropriation for the purpose of improving the harbors upon the western shores of Lake Michigan.

Resolved, That his excellency the governor be requested to forward copies of these resolutions to the presiding officers of both houses of congress and to each of our senators and representatives in congress.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, July 20, 1848.

NELSON DEWEY.

JOINT RESOLUTION relative to certain bonds and scrip in the hands of the auditor and treasurer.

Resolved, by the Senate and Assembly of the State of Wisconsin :

That the Honorable Mason C. Darling representative in congress be and he is hereby authorized and requested to apply for and obtain from the treasury department, the amount of money due on account of bonds and scrip which were authorized by act of congress of August 1842 to be

paid by the United States but which have been redeemed by the treasurer of the territory and canceled by the legislature.

Resolved, That for carrying out the provisions of the foregoing resolution, the said Darling is hereby authorized to receive from the treasurer and auditor's office, all bonds and scrip of the description mentioned in the foregoing resolution by giving his receipt for the same which receipt shall be cancelled and discharged by a return of the said bonds and scrip or on payment to the treasurer of all money received on account of the same. It is hereby made the duty of the said Darling upon the receipt of any money from the United States by virtue of these resolutions to pay the same to the state treasurer.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, July 31, 1848,
NELSON DEWEY.

JOINT RESOLUTION³ relative to a State Penitentiary.

Resolved, by the Senate and Assembly of the State of Wisconsin:

That his excellency the governor be and he is hereby authorized and requested to open a correspondence with such persons as he may deem proper for the purpose of ascertaining the most eligible location for the erection of a state penitentiary and for obtaining such other information in relation to the location and construction of a penitentiary as he may be able to procure.

Resolved, That the governor be requested to communicate the in-

formation thus obtained or such portions of it as he may deem expedient to the legislature at its next session.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 12, 1848.

NELSON DEWEY,

JOINT RESOLUTION relative to the Board of Public Works.

Resolved, by the Senate and Assembly of the State of Wisconsin:

That the chief clerks of the senate and assembly be directed to furnish the governor of this state with official information of the election of the commissioners provided for in the act "for the improvement of the Fox and Wisconsin rivers and connecting the same by a canal" and that certificates of election be issued to the said commissioners by the governor.

Resolved, That the first meeting of said commissioners under the said act shall be held at such time and place as the governor shall direct.

N. E. WHITESIDE,

Speaker of the Assembly.

J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 11, 1848.

JOINT RESOLUTIONS relative to Seals.

Resolved, by the Senate and Assembly of the State of Wisconsin :

That Edward H. Rudd be and he is hereby employed to engrave a great seal for the state of Wisconsin and seals for the circuit courts and judges of probate of the several counties and supreme court of the state.

Resolved, That said Rudd be instructed in engraving said seals to adopt the plan and devices of the several seals now in use substituting the word state for territory.

Resolved, That said Rudd shall receive for engraving said seals such compensation as the legislature may allow.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate.

Approved August 12, 1848.
NELSON DEWEY.

JOINT RESOLUTION appointing Appraisers of the School and University Lands.

Resolved, by the Senate and Assembly of the State of Wisconsin :

That the following persons be and they are hereby appointed appraisers in their respective counties whose duty it shall be to appraise subdivide describe and make return of the school and university lands in manner and

form as prescribed by an act passed at the present session entitled "an act providing for the appraisal and subdivision of the school and university lands to wit:

For the county of Milwaukee William Shew, Charles E. Brown and John B. Doan:

For the county of Racine Charles F. Morgan, Anson Pease and William Moore:

For the county of Walworth, John P. Snell, Palmer Gardner and William Bowman:

For the county of Waukesha, Leonard Martin, Harrison Phillips and Frederick B. Otis.

For the county of Rock, George W. Bunce, Archibald Woodward and Elmira Sprague:

For the county of Greene, John Moore, A. F. Stedman and William Rittenhouse:

For the county of Washington, James Fagan, Herman J. Shulter and Isaac Carman.

For the county of Dodge, James A. Williams, Dearborn Clark and Thomas B. Hull.

For the county of Jefferson, John D. Gifford, Alonzo H. Waldo and John Chambers:

For the county of Sheboygan, H. N. Smith, Shadrack Roberts and James Hanford:

For the county of Fond du Lac, Edwin H. Smith, Edward Pier and Daniel B. Whiting:

For the county of La Fayette, Eli Robinson, John Ray and Moses Whiteside:

For the county of Grant, E. B. Coville, Horace Craige and Clovis A. La Grave:

For the county of Iowa, Isaac B. Darnall, Henry B. Welsh and John Lumley:

For the county of Dane, Eddy Sherman, A. A. Huntington and Nelson S. Emmons:

For the county of Crawford, E. P. Lockhart, Isaac Spencer and Andrew Graver:

For the county of Sauk, Lyman Crossman, James J. Waterbury and Alexander Crawford:

For the county of Richland, Jackson R. Darnall, Amos W. Comfort and
 — Whitcomb:

For the county of Portage, Enoch G. Bean, E. S. Minor and Hiram
 Calkins:

For the county of Manitowoc, Ezekiel Ricker, George W. Durgin and
 R. Klingholtz:

For the county of Calumet, John P. Drake, James Kindness and Alonzo
 Dick:

For the county of Marquette, Nathan H. Strong, Lewis Wooster and
 Samuel W. Mather:

For the county of Brown, William Dickinson, Thomas Bennett and
 John V. Suydam:

For the county of Winnebago, Luther M. Parsons, Burr S. Craft and R.
 L. Howard:

For the county of Columbia, Joseph Manning, Alfred Topliff and Na-
 than Hazen:

For the county of St. Croix, Hilton Doe, Harman Crandle and Edward
 Worth:

For the county of Chippewa, Ira B. Brunson.

For the county of La Pointe, John W. Bell.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 16, 1848.

NELSON DEWEY.

JOINT RESOLUTION relative to distribution of rooms in the capitol :

Resolved, by the Senate and Assembly of the State of Wisconsin :

That the room in the north-west corner of the capitol on the first floor shall be used and occupied by the secretary of state: The room now occupied by the secretary of state shall be occupied by the state treasurer: The room on the second floor now occupied by the register of deeds and clerk of the court of Dane county shall be occupied by the clerk of the supreme court: The attorney general when required to be at the seat of government may occupy the same room with the secretary of state: The room in the north-west corner adjoining the senate chamber shall be used as a committee room for the senate: The room in the north-east corner of the capitol on the first floor known as the court room shall be used as a supreme court and United States district court room, and may also be used by the county of Dane to hold their county courts in until otherwise provided by law. The remaining rooms in the capitol shall be reserved for the purposes for which they are now occupied.

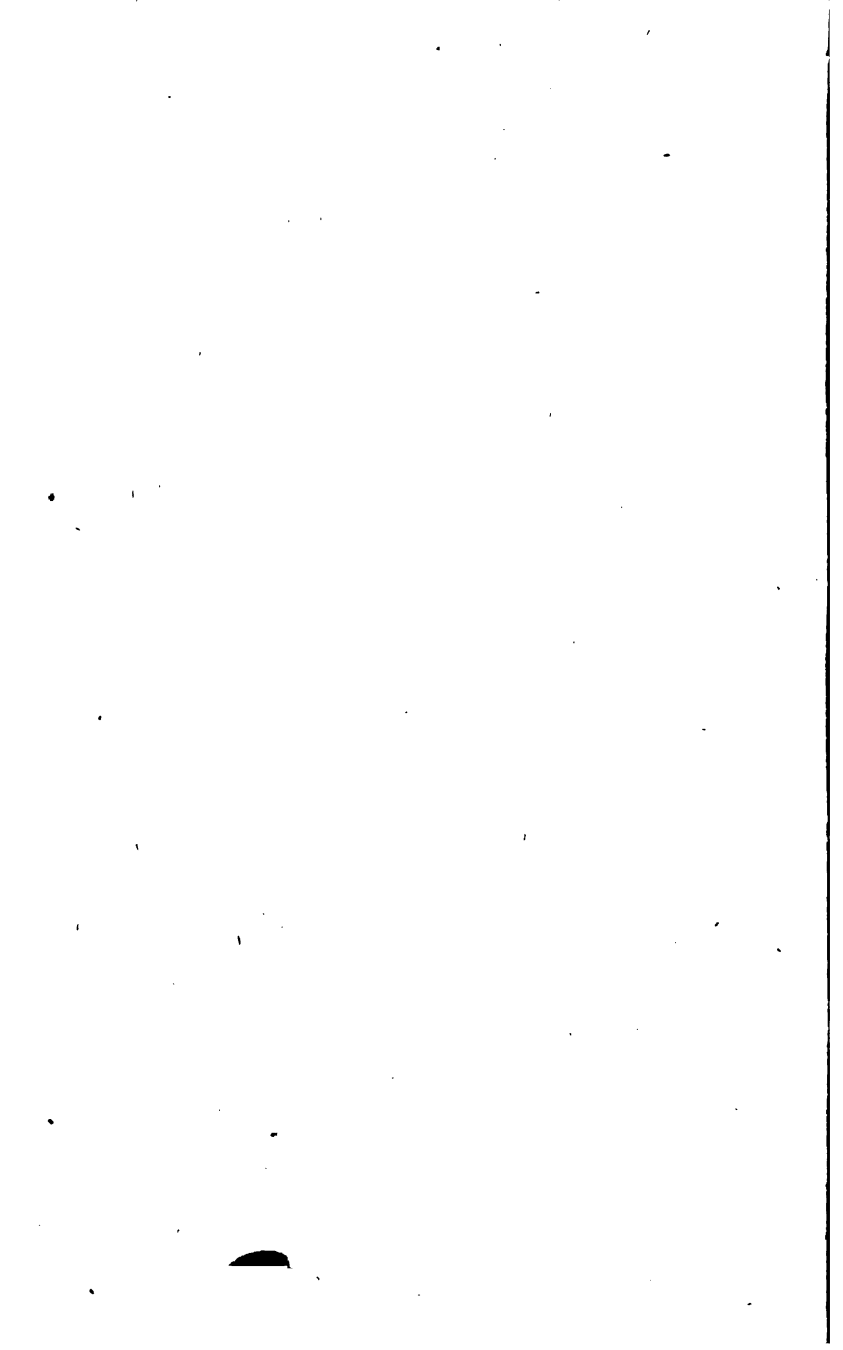
N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 18, 1848.

NELSON DEWEY.



MEMORIALS.

MEMORIAL to Congress on the subject of a mail route.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the senate and assembly of the state of Wisconsin, legislature assembled, respectfully sheweth :

That the interests and convenience of a large portion of this state are deeply concerned in the establishment of a weekly mail route from Prairie du Chien to Falls St. Croix via Round Prairie, Graham's mill, the Falls of Black river, the mouth of Clear river, the middle mill on the Menomonee river, the mouth of Willow river and thence by Osceola to Falls St. Croix.

Your memorialists would further state that besides being a great benefit to the people residing in the counties of St. Croix and La Pointe, it would accommodate some eight hundred persons living at the various prominent points mentioned above, who now are nearly destitute of mail facilities.

And your memorialists are of opinion that the mail can be carried into that upper country as cheaply by this proposed route as by the one on which it is now carried.

Your memorialists therefore request your honorable bodies to estab-

lish a post route on the above line, touching at the points aforesaid, authorizing the mail to be carried on said route at least once in each week.

N. E. WHITESIDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, June 29, 1848.

NELSON DEWEY.

A MEMORIAL to the Congress of the United States relative to a road from Prairie du Chien to the Falls of St. Croix.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the senate and assembly of the state of Wisconsin, in legislature assembled, respectfully sheweth:

That the business of an important portion of this state requires the laying out and making a road from Prairie du Chien to the Falls of St. Croix crossing the principal tributaries of the Mississippi at points where mills are established on them viz: Bad Axe River at Graham's mill: Block river at the falls of the same; Chippewa at or near the mouth of the Oclar: Menominee river a tributary of the Chippewa at or near the middle mill on the same, and Willow river a tributary of the St. Croix at or near its mouth.

Your memorialists would further state that the proposed road would pass a large part of the way through a fine farming country, capable of sustaining a dense population: that it only requires an avenue through it to cause emigration to flow that way: that a large portion, in fact nearly the whole of the lands lying along the proposed route, are yet the property of the United States, that the country immediately on the banks of the

Mississippi from Prairie du Chien to the mouth of the St. Croix river is so broken with bluffs and deep ravines that it is not susceptible of settlement, therefore emigration will not follow the channel that it has in other parts, that is up the Mississippi and then back into the interior, therefore it would seem to be a more necessary case than usual for the action of congress.

That the inhabitants of this state residing in the counties of St. Croix and La Pointe are now nearly isolated from the other portions of the state for a large portion of the year, during the time that the navigation of the Mississippi is closed, and that at seasons of the year when the legislature of this state will be in session, it will be nearly impossible for their members to get to the seat of government of this state.

Your memorialists considering the opening of the proposed road a legitimate subject for the action of your honorable bodies, would ask of you a donation of money or lands along the proposed route for that purpose.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved June 29, 1848.

NELSON DEWEY.

MEMORIAL to the Congress of the United States relative to a road from Neenah to Manitowoc.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the senate and assembly of the state of Wisconsin, in legislature assembled, respectfully sheweth:

That a large and interesting district of country about Lake Winneba-

go and west and north of said lake, namely the counties of Calumet, Winnebago, Marquette, Portage and a portion of Brown, together with all the Menominee country, are situated inland and completely destitute of any feasible way of communication or transportation to Lake Michigan or any other place of trade or market: the above named counties are estimated to contain from twelve to fifteen thousand inhabitants and are gaining in population at a rate of more than fifty per cent. annually, and already growing a very great amount of surplus produce; and that the nearest and most convenient point of access to Lake Michigan for the trade and business of the above named district is that of Manitowoc over this proposed road from Neenah at the outlet of Lake Winnebago a distance of forty miles, and passes almost the entire distance on government land of good quality and heavily timbered. Manitowoc has a good pier and a good natural harbor.

Your memorialists will not enlarge upon the importance of this improvement, a single glance at the map of this district will prove to all reasonable minds the great utility of the work and the direct importance of the same to the new settlers of that back country. In consideration of the facts above set forth your memorialists respectfully and earnestly ask your honorable body to make a suitable appropriation either in money or lands to assist in laying out and constructing a good wagon road as above designated to be called and known as the Neenah and Manitowoc road.

N. E. WHITE-IDE,

Speaker of the Assembly.

JOHN E. HOLMES,

Lient. Governor and President of the Senate.

Approved July 31, 1848.

NELSON DEWEY.

A MEMORIAL to Congress asking the grant of Fort Winnebago for a Penitentiary.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the senate and assembly of the state of Wisconsin respectfully represents :

That as there is now no penitentiary within this state, nor any resources remaining other than direct taxation upon real estate from which means can be derived for the erection of such an establishment; and as the expense of a new state government wholly derivable from that only resource will at this particular conjuncture be sufficiently burdensome to the people nearly all of whom have recently settled in the country and but few having yet been able to pay for their farms or so to improve their homesteads as to render them comfortable, but are yet laboring under the embarrassment of debt, your memorialists greatly fear that the ends of justice must be delayed or defeated, and the cause of philanthropy suffer unless the state can obtain aid in the construction or procurement of a place of confinement of her convicts. As mercy is the first attribute of justice the benevolent intentions of the law can be more readily accomplished by the reformation of offenders and the dissuasion of the profligately inclined from the commission of crime than in the wreaking of vengeance upon those culprits who may have despised its warnings and trampled upon its interdictions, but in our present unfortunate destitution of any state establishment of the kind or of suitable county prisons both purposes are defeated; malefactors whose whole lives may have been stained by crime are huddled into the same jail and apartments with those who may be temporarily locked up for the first offence and that their first departure from the paths of rectitude and virtue. The consequences are that the most venial class runs the hazard of becoming debased by the contact, while the most abandoned is confirmed in profligacy by idleness and by association, for the inmates of these local receptacles are commonly precluded the benefits of moral example of religious instruction or of healthful athletic exercise. But the maintenance of state convicts in county prisons

operates oppressively upon the industry of the honest and virtuous of these communities where convictions for felonies take place: and as the prevention of crime (which is the paramount object of all punishment) is general in its benefits to the whole community so should its burdens be equally shared by all: and it is obvious to the most casual observer that the administration of the criminal laws is embarrassed and its salutary purposes thwarted for the want of a state establishment where convicts may feel the discipline of an isolated or solitary confinement and be subjected to manual and productive labor. The spirit of the age is becoming more and more averse to sanguinary punishments, and public sentiment has long since decided in favor of the penitentiary system in preference to all other remedial means for protecting the community against the depredations of the lawless; for deterring the evil disposed from the commission of crime and for the reformation of the culprit during his probation of imprisonment. Actuated by a like spirit and in full accordance with that sentiment, your memorialists have adopted preliminary measures for the ultimate construction of a states prison. But as the paucity of their resources may delay for years the accomplishment of that enterprise your memorialists most respectfully ask aid from the national legislature to carry out their humane intentions in this respect. And understanding from a reliable source that the executive government has abandoned "Fort Winnebago" as a military post, your memorialists would earnestly request that the United States reservation of land at that place may be granted to the state of Wisconsin for the purpose of aiding in the construction of a states prison, or that the fortress and its appurtenances may be conveyed as a place of confinement for state convicts until a more suitable establishment can be prepared. And your memorialists would further remark that as Fort Winnebago is located on Fox river directly on the line of the improvements contemplated in the navigation of that and Wisconsin rivers, to aid in the accomplishment of which your honorable body some two years since made a liberal grant of land, and as there is on the reservation an extensive quarry of free stone suitable for hydraulic masonry work and for the various uses to which building stone is applied. Your memorialists anticipate in the event of a favorable response to their memorial that the convicts of the state when they shall have been removed to the fortress may be profitably employed on the works connected with those improvements and thus materially aid in carrying out the liberal intentions of

your honorable body in making the grant in question. Believing that it was ever the intention of the national legislature to dispense its bounty to the new states and its territories with an even and impartial hand: and as Wisconsin has never shared in any aid from the general government for the construction of a penitentiary, your memorialists trust they may the more confidently anticipate the favorable action of your honorable body in this behalf from the fact that the sum of fifteen thousand dollars was appropriated by an act of congress approved the 29th day of August 1842 to pay for work actually done and materials furnished in the construction of a penitentiary in the territory of Iowa.

N. E. WHITESIDE,
Speaker of the Assembly.

J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved. July 31, 1848.

NELSON DEWEY.

A MEMORIAL to Congress asking relief for the widow and heirs of John Hood deceased.

To the Honorable the Senate and House of Representatives of the United States :

A memorial of the senate and assembly of the state of Wisconsin, respectfully represents:

That it appears from evidence that John Hood of Iowa county in the state of Wisconsin did apply for the purchase of the south-east quarter of section number thirty-one (31) in township number five (5) north, range number three (3) east of the fourth (4th) principal meridian in the "Wisconsin land district" by virtue of a right of pre-emption granted to settlers upon public lands previous to the nineteenth June in the year of our Lord one thousand eight hundred and thirty-four, made the necessary

proof, tendered his money, and submitted the same to the register and receiver of the land office at Mineral Point who decided contrary to law and without the authority of the commissioners of the general land office that the aforesaid tract was mineral ground and therefore not subject to entry.

And they would further represent that the said John Hood could not enter the land by virtue of his right of pre-emption although he the said John Hood did prove that he had cultivated and occupied the same as required by law granting the right of pre-emption.

And they would further represent, that the said John Hood resided prior to eighteen hundred and forty-four for the period of fourteen years upon the said quarter section of land, and further that a large family was dependant upon him for support, and that by thus taking away the property to which he was justly entitled, his family has been to a great extent deprived of the means of support which they ought to have: And they would further represent, that in all probability the said John Hood would not have been debarred of his right in the said land for which he applied, had it not been that on which the town of Mineral Point now stands, and which has since by law been given to the inhabitants thereof, which conclusively shows that the decision of the land officers was not in accordance with the views of congress.

And they would further represent that the said Hood with his family have undergone all the privations incident to the settlement of a new country, and that by circumstances not within their control have been deprived of their just rights.

You memorialists would further represent that the said John Hood is now deceased, leaving a widow and family in indigent circumstances; said pecuniary distress being clearly the result of the injustice done to the said John Hood.

Your memorialists therefore ask your honorable body to pass an act for the relief of the widow of the said John Hood and his heirs by granting her the said Matilda Hood and the heirs of John Hood deceased at least one section of land to be located upon any unoccupied lands in the state of Wisconsin belonging the general government or its equivalent in money which in the opinion of your memorialists would be a very small compensation for the loss they have sustained in consequence of having been deprived of their rights as before stated.

Nothing in this memorial shall be considered as reflecting upon the

official character of the register and receiver at the said land office at Mineral Point.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 3, 1848.

NELSON DEWEY.

MEMORIAL to Congress asking for an appropriation to open a road from Green Bay to Fort Wilkins.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the senate and assembly of the state of Wisconsin, respectfully sheweth :

That the opening of a road from Green Bay to Fort Wilkins on Lake Superior is a work of great importance to the inhabitants of northern Wisconsin who are now nearly destitute of an overland means of communication with Lake Superior. A large number of people in the vicinity of Fort Wilkins are engaged in working the copper mines which constitute the present wealth of that section of the country, and in agricultural pursuits. This portion of our fellow citizens are for six months in the year nearly isolated as the communications by water are closed during the winter months and their only means of access to the settled portions of the state is through the medium of an Indian trail impassible with teams or beasts of burthen

That said road will turn the tide of emigration into the northern part of the state and open a new and rich portion of the public lands to the view of the enterprising emigrant and thereby greatly increase the sale of said

lands to the manifest benefit of the United States. Your memorialists further state that in their opinion an appropriation of twenty thousand dollars will be sufficient and secure the most feasible mode of opening the said road.

The memorialists will further suggest to your honorable bodies that the consideration of the public interests distinct from the direct benefits to be derived from the proposed road should induce a prompt attention to this matter, the relations of the United States to the soil as the proprietors thereof furnishing a powerful motive towards adopting such measures as will enhance the value and promote the sale thereof.

Your memorialists will not further enlarge upon the necessity and importance of the proposed road and would respectfully request the favorable attention of congress to the subject.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, August 8, 1848.

NELSON DEWEY.

STATE OF WISCONSIN.

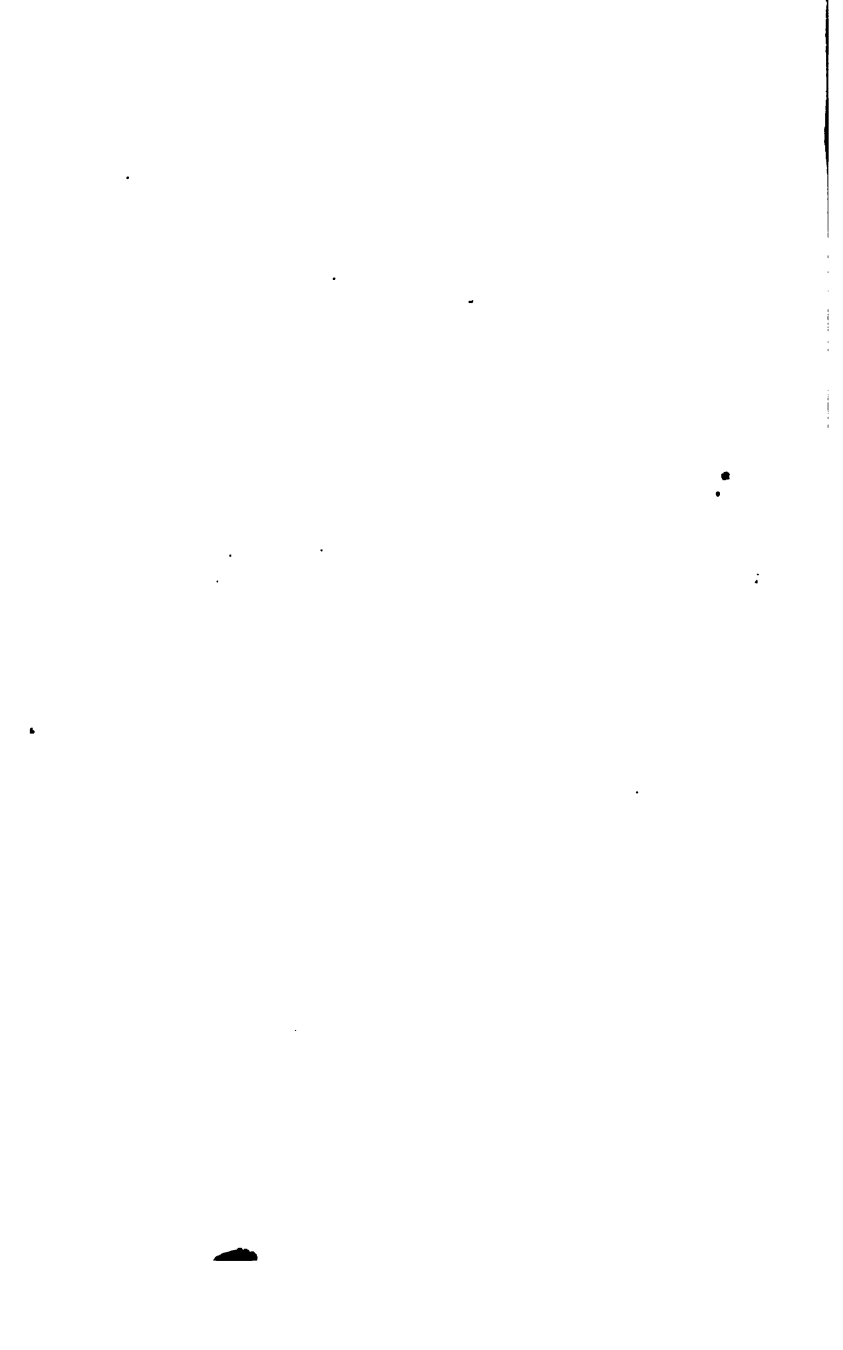
SECRETARY'S OFFICE, }
Madison, September 9, 1848. }

I hereby certify that the acts, resolutions and memorials contained in this pamphlet have been compared with the originals in this office, and that they appear to have been correctly printed.



In testimony whereof I have hereunto affixed the seal of the State of Wisconsin, the day and year aforesaid.

THOMAS McHUGH,
Secretary of State.



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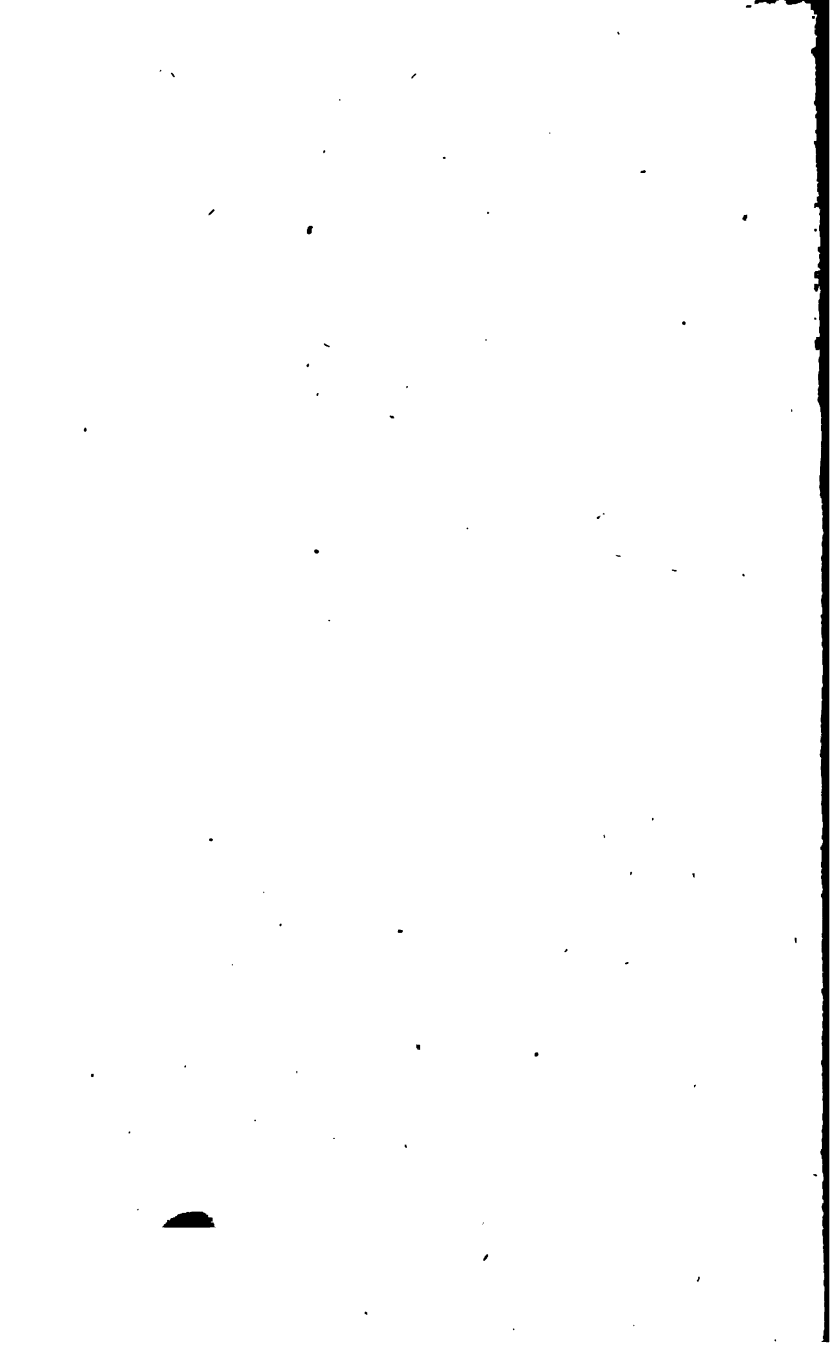
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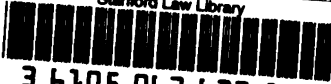








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